

Bureau of Indian Education

Annual Performance Report

2009-2010

Bureau of Indian Education
2/1/2011

Revised 4-18-11 Clarification

APR Template – Part B (4)

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**Bureau of Indian Education
Introductory Statement**

During SY 2009-2010, the Bureau of Indian Education (BIE) continued their efforts to improve the validity and reliability of data reporting. BIE data collections are dependent on school level entry (self reporting) into the Native American Student Information System (NASIS) or into the Bureau's Annual Report from the schools. In addition, data is gathered and analyzed through the compliance monitoring process conducted annually. Through on site activities and regularly scheduled webinar training sessions, schools have increased their level of understanding of data requirements and analysis.

Throughout the 2009-2010 Annual Performance Report, the BIE has defined a finding as being a systemic issue at a school. BIE is cognizant that, even though a finding is a systemic pattern, each individual child specific item must be corrected before that non-compliance area can be identified as verified as corrected.

The BIE has changed the measurements to align with the reporting requirements under ESEA. The Bureau of Indian Education oversees a total of 183 elementary and secondary schools, located on 64 reservations in 23 states. Of these, 59 are BIE-operated and 124 are Tribally-operated under BIE contracts or grants. The Bureau also funds or operates off-reservation boarding schools and peripheral dormitories near reservations for students attending public schools. The BIE provides funds to all schools however tribal groups have been granted or contracted to operate the tribally controlled schools. Both category of schools are treated the same relative to program management, monitoring and support. Due to legally defined relationships, sanctions that are available to State school systems are not available within the BIE.

The BIE has continued to include stakeholder involvement in the development of the APR. The BIE Advisory Board for Exceptional Children met on January 13 and 14, 2011, and provided input on the data to be reported and the collection process. The Board asked for and received clarification on the BIE's definition of finding(s) relative to previous methods of reporting non compliances.

Data links:**SPP & APR**

<http://www.bie.edu/HowAreWeDoing/SpecialEdReports/index.htm>

Report Cards

<http://www.bie.edu/HowAreWeDoing/Scorecards/index.htm>

Index

<http://www.bie.edu/HowAreWeDoing/index.htm>

Part B State Annual Performance Report (APR) for FFY 2009**Overview of the Annual Performance Report Development:**

Monitoring Priority: FAPE in the LRE

Indicator 1: Percent of youth with IEPs graduating from high school with a regular diploma.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA.

The BIE has schools located in 23 states with high schools in 20 of the 23 states. The schools use the graduation rate goals and formulas for calculation of AYP. The BIE also calculates and reports an overall graduation rate by combining the data from the states; that BIE-wide rate will be used in this APR report. This is aligned with BIE reporting under ESEA.

Due to the fact that there are 20 different graduation rate goals, the BIE has used a measure of reducing the gap between *all students* and *students with disabilities* (SWD) for this indicator. To have a single goal when each state's requirements vary in respect to: (a) course requirements, (b) number of credits required and (c) other graduations requirements does not support equity in identifying schools with difficulty in this area.

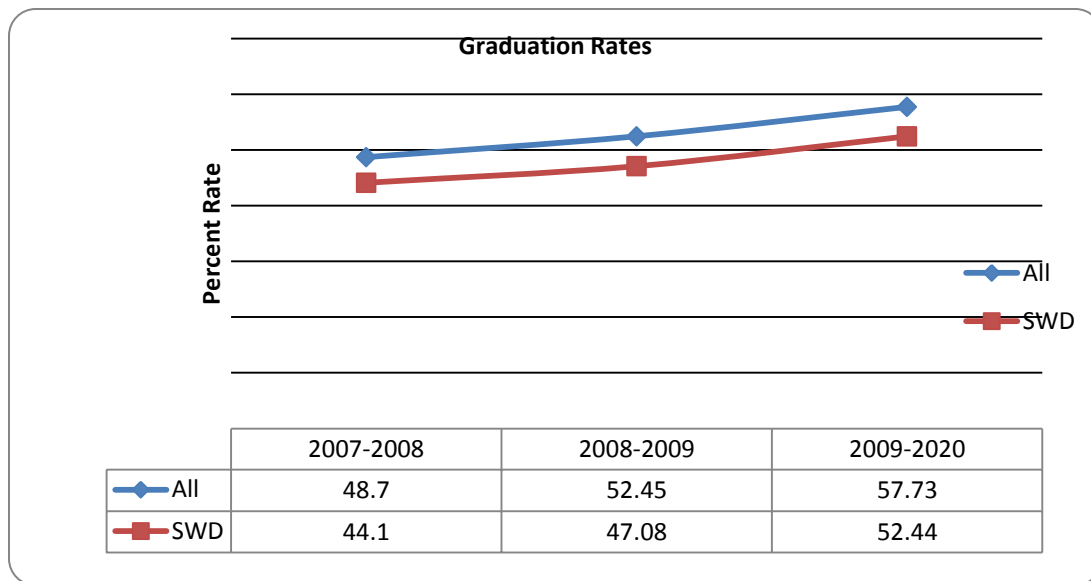
In the FFY 2008 APR, the BIE reported moving to the cohort calculation for graduation and submitted a revised goal. That goal was closure of the gap between *all students* and *SWD*. Information regarding that goal and the actual data aligned with that goal is presented here.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	The gap between youths with IEPs graduating from high school with a regular diploma and all youth graduating from high school with a regular diploma will decrease by .5 percent over previous year.

Actual Target Data for 2009-2010:

The BIE has used the same calculation for SWD for the APR reporting as they use for ESEA reporting to the Department of Education. The BIE is located in 23 states and is to use the calculations and formulas of the states in which a school is located for ESEA reporting. This is a transition period for all states to move to the cohort calculation of graduation rates and states are at varied levels of transition. Beginning with SY 2007-2008, the BIE has used the cohort calculation for the determination of graduation rates for all high schools. This consistency is a more easily understood process for the calculations and allows the BIE to make comparisons across states. BIE has revised their Accountability Workbook to reflect this change. For the BIE, moving to the new graduation guidelines as a total rather than by state provides a more functional data set of information. The data regarding graduation rate and the past three years' collections reflects:

- The three year gap trend data shows
 - The graduation rate for all students has increased by 9.03 percentage points
 - The graduation rate for SWD has increased by 8.34 percentage points.
 - The gap has not been reduced during that time.

GRAPH 1: SY 2009-2010 High School Graduation Rates by the All Students and the SWD Subgroups.

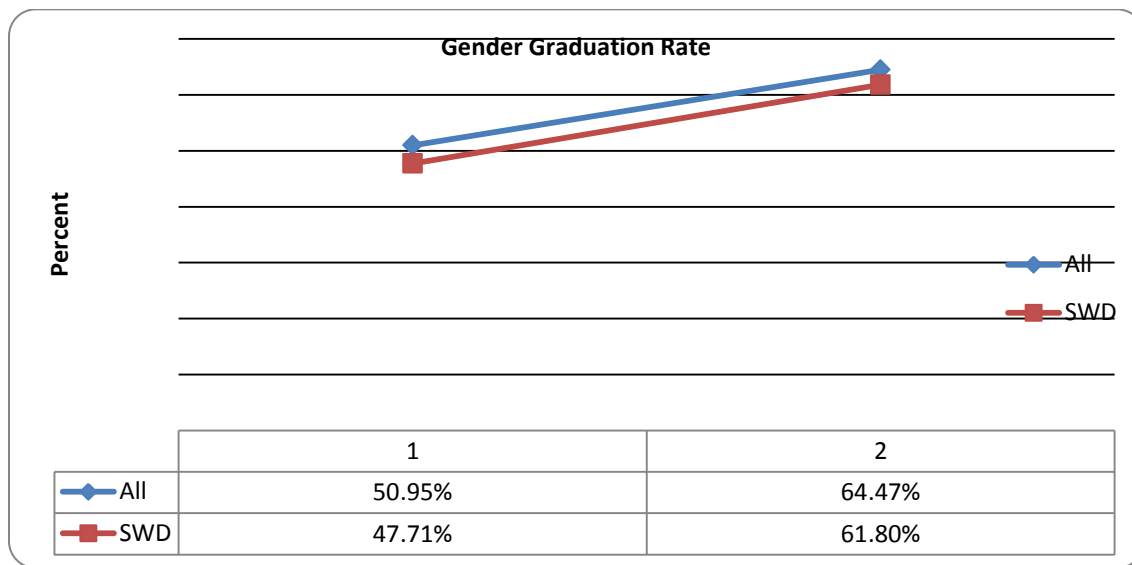
Numbers for above calculations

2009-2010	9th grade cohort	Trans. In	Trans. Out	Deceased	Total	Grads	Rate [Grads /Total]
All	3707	1278	1808	0	3177	1834	57.73%
SWD	584	141	233	0	492	258	52.44%

Target NOT MET.

The gap for 2008-2009 was 5.37 percentage points. $(5.37\% \times .05) = .27$ percentage points. The gap for 2009-2010 was 5.29 percentage points. The difference of .08 fails to meet the target of .27 percentage point reduction between the graduation rate of all students and students with disabilities.

Graph 2: SY 2009-2010 High School Graduation Rates by Gender



In Graph 2 above 1 = male and 2 = female

Numbers for above calculations:

2009-2010	9th grade cohort	Trans. In	Trans. Out	Deceased	Total	Grads	Rate [Grads /Total]
All - Male	1881	608	905	0	1584	807	50.95%
SWD - Male	400	100	173	0	327	156	47.71%

2009-2010	9th grade cohort	Trans. In	Trans. Out	Deceased	Total	Grads	Rate [Grads /Total]
All - Female	1826	670	903	0	1593	1027	64.47%
SWD - Female	184	41	60	0	165	102	61.8%

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

The BIE did **MEET** the desired goal of a .5% decrease in the gap between the *All student* group and the *SWD* student group. When disaggregated by gender, the Males for all groups have a lower graduation rate than females

The BIE has very few schools for which the SWD graduation group represents greater than 10 students, thus the calculations vary broadly each year.

Revisions, with Justification, to Proposed Targets for FFY 2008 – FFY2010:

2005 (2005-2006)	Increased graduation rate of 1/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 1/6 th .
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2006 (2006-2007)	Increased graduation rate of 2/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 2/6 th .
2007 (2007-2008)	Increased graduation rate of 3/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 3/6 th .
2008 (2008-2009)	Increased graduation rate of 4/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 4/6 th .
2009 (2009-2010)	Increased graduation rate of 5/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 5/6 th .
2010 (2010-2011)	Increased graduation rate of 6/6 th of the gap between baseline rate and the end-goal of the state. Will be reported as the number of schools who reduced the gap between baseline and final goal by 6/6 th .
	Revised SPP Submission (2010) Measurable and Rigorous Targets
2009 (2009-2010)	The gap between youths with IEPs graduating from high school with a regular diploma and all youth graduating from high school with a regular diploma will decrease by .5 percent over previous year.
2010 (2010-2011)	The gap between youths with IEPs graduating from high school with a regular diploma and all youth graduating from high school with a regular diploma will decrease by .5 percent over previous year.
	Revised SPP Submission (2011) Measurable and Rigorous Targets
2011 (2011-2012)	The gap between youths with IEPs graduating from high school with a regular diploma and all youth graduating from high school with a regular diploma will decrease by .5 percent over previous year.
2012 (2012-2013)	The gap between youths with IEPs graduating from high school with a regular diploma and all youth graduating from high school with a regular diploma will decrease by .5 percent over previous year.

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Discussion of Improvement Activities Completed for SY 2009-2010:

ACTIVITY	STATUS	IMPACT STATEMENT
1. Compliance Monitoring activities to include components of general supervision necessary to determine root cause(s) of any identified noncompliance findings.	On going	Schools develop Corrective Action Plans that demonstrate how non compliance findings were corrected at 100% and ensure that they will continue to implement the specific regulatory requirements to maintain 100% compliance.
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	On going. Distributed fall and spring of each year.	Schools comment that they enjoy sharing their programs with other schools.
3. WebEx on transition topics presented to all schools.	Conducted monthly throughout the school year.	Positive response and participation from the schools. Sessions are offered twice, recognizing the 4 time zones in which our schools are located.
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	On going.	Schools develop annual LSPPs that demonstrate how they will meet the SPP indicator targets through their improvement activities that include an ongoing evaluation process.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services.	Throughout the school year on a monthly basis	DPA Outside consultants on occasion
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall and spring of each year	DPA Schools
3. Desk audit file reviews of IEPs for students 16 years and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Throughout the school year	DPA

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ACTIVITY	TIMELINE	RESOURCE
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Ongoing as the need arises Annually	Infinite Campus BIE NASIS Support Personnel DPA
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Fall of each year	DPA Outside consultant(s)
6. Regional work sessions with schools on AYP calculation and data analysis.	July – September of each year	DPA Data unit
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013	BIE STAT team. Intensive technical assistance – National Dropout Prevention Center for Students with Disabilities.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
The BIE must report as consistent with the measurement.	Measurement: States must report using the graduation rate calculation and timeline established by the Department under the ESEA. The BIE is located in 23 states and each state has a different concept of graduation requirements. The BIE reports under ESEA a single combined graduation rate. (cohort calculations)
The BIE must compare graduation rates for all students and SWD.	The terminology has been corrected and the report reflects data for the All student group and the SWD group.

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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 2: Percent of youth with IEPs dropping out of high school.

(20 U.S.C. 1416 (a)(3)(A))

Measurement: States must report using the dropout data used in the ESEA graduation rate calculation and follow the timeline established by the Department under the ESEA.

The data collection and reporting for this indicator is the same as that used for ESEA reporting.

FFY	Measurable and Rigorous Target
2009 (2009-2010)	The drop-out rate of students with disabilities attending BIE operated High Schools will not exceed 9.3%

Actual Target Data for 2009-2010

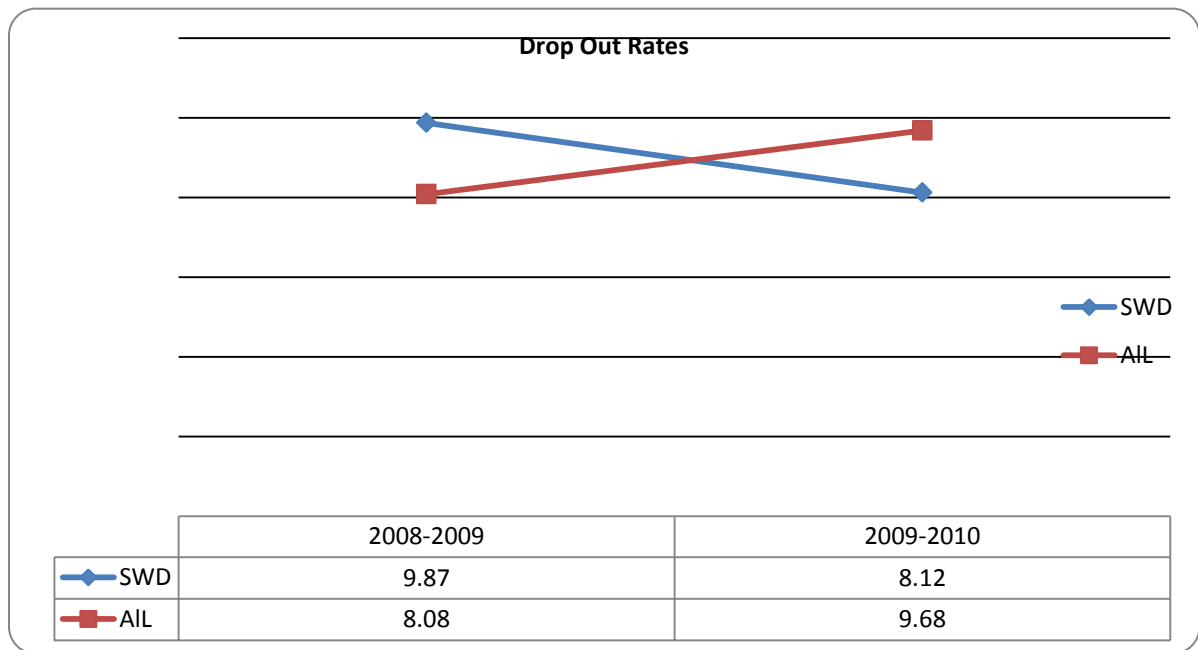
Table 1: Drop-outs

	2008-2009	2008-2009 numbers	2009-2010	2009-2010 numbers	Gain/Slippage
Students with Disabilities	9.87%	1,863	8.12%	1,810	Gain over the previous year. Did MEET the target.
		DO = 184		147	
All Students	8.08%	12,224	9.68%	13,460	Slippage over the previous year.
		DO = 988		1303	

Target: Met

The target for SY 2009-2010 was met (9.30% = target and 8.12% was the actual drop-out rate achieved by students with disabilities). The drop-out rate for students with disabilities has improved by 1.75 percentage points.

Graph 3: Two Year Trend – All Students and Students with Disabilities:



Discussion of Baseline Data:

There has been a decrease in the drop-out rate of the SWD group. The BIE funds all students until the age of 21 and SWD until the age of 22. This allows for students to remain in school even if they have completed four calendar years but have not yet acquired a diploma.

Explanation of Progress or Slippage that occurred for SY 2009-2010:

This means that after four years of attending high school and students may not have graduated results in a negative factor in the graduation rate calculation. However, these students are not considered a drop-out unless they leave school prior to receiving a diploma, even if it is an extended year diploma.

ACTIVITY	STATUS	IMPACT STATEMENT
1. Compliance Monitoring activities to include components of general supervision necessary to determine root cause(s) of any identified noncompliance findings.	On going	Schools develop Corrective Action Plans that demonstrate how non-compliance findings were corrected at 100% and ensure that they will continue to implement the specific regulatory requirements to maintain 100% compliance.
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	On going. Distributed fall and spring of each year.	Schools comment that they enjoy sharing their programs with other schools.

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ACTIVITY	STATUS	IMPACT STATEMENT
3. WebEx on transition topics presented to all schools.	Conducted monthly throughout the school year.	Positive response and participation from the schools. Sessions are offered twice, recognizing the 4 time zones in which our schools are located.
4. Local School Performance Plan (LSPP) review process, providing feedback and technical assistance to schools.	On going.	Schools develop annual LSPPs that demonstrate how they will meet the SPP indicator targets through their improvement activities that include an ongoing evaluation process.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services.	Throughout the school year on a monthly basis	DPA Outside consultants on occasion
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall and spring of each year	DPA Schools
3. Desk audit file reviews of IEPs for students 16 years and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Throughout the school year	DPA
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Ongoing as the need arises Annually	Infinite Campus BIE NASIS Support Personnel DPA
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Fall of each year	DPA Outside consultant(s)

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ACTIVITY	TIMELINE	RESOURCE
6. Regional work sessions with schools on AYP calculation and data analysis.	July – September of each year	DPA Data unit
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013	BIE STAT team. Intensive technical assistance – National Dropout Prevention Center for Students with Disabilities.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable): None

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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 3: Participation and performance of children with IEPs on statewide assessments:

- A. Percent of the districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup.
- B. Participation rate for children with IEPs.
- C. Proficiency rate for children with IEPs against grade level, modified and alternate academic achievement standards.

(20 U.S.C. 1416 (a)(3)(A))

Measurement:

- A. AYP percent = $\left[\frac{(\# \text{ of districts with a disability subgroup that meets the State's minimum "n" size that meet the State's AYP targets for the disability subgroup})}{(\text{total } \# \text{ of districts that have a disability subgroup that meets the State's minimum "n" size})} \right] \text{ times } 100.$
- B. Participation rate percent = $\left[\frac{(\# \text{ of children with IEPs participating in the assessment})}{(\text{total } \# \text{ of children with IEPs enrolled during the testing window, calculated separately for reading and math})} \right].$ The participation rate is based on all children with IEPs, including both children with IEPs enrolled for a full academic year and those not enrolled for a full academic year.
- C. Proficiency rate percent = $\left[\frac{(\# \text{ of children with IEPs enrolled for a full academic year scoring at or above proficient})}{(\text{total } \# \text{ of children with IEPs enrolled for a full academic year, calculated separately for reading and math})} \right].$

Targets and Results for FFY 2009:

Table 2: Summary

FFY 2009	Measurable and Rigorous Targets									
	Districts Meeting AYP for Disability Subgroup (3A)		Participation for Students with IEPs (3B)				Proficiency for Students with IEPs (3C)*			
Targets for FFY 2009 (2009-2010)			Reading		Math		Reading		Math	
	9 schools		95%		95%					
Actual Target Data for FFY 2009 (2009-2010)	#	%	#	%	#	%	#	%	#	%
	2	9%	3699	97.42%	3694	96.93%	611	16.51 %	535	14.98 %

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*Per 25 CFR Part 30 the BIE must use the annual measurable objectives of 23 states; this is consistent with ESEA reporting. Hence, a single goal cannot be listed here.

**There were 22 schools with sufficient 'n' for AYP calculations in SY2009-2010. Only two schools made AYP (%). For SY 2008-2009, there were 53 schools for which AYP could be calculated. This increase in schools for which AYP determinations could be made was primarily due to updated guidance relative to calculations for small schools in Arizona. Of the 53 schools, 13 (24.53%) made AYP.

3. A - Actual AYP Target Data for FFY 2009

FFY	Measurable and Rigorous Target
2009 (2009-2010)	Of the schools with sufficient "n" for calculation 8 more schools than baseline (3 schools) will achieve AYP for the students with disabilities subgroup..

Target NOT Met

Of those schools meeting the minimum (which varies by the state in which a school is located) the following table provides the number of schools that did not make AYP by indicator,

Table 3: Reasons Schools Did Not Make AYP

CATEGORY	NUMBER
Did not meet the AMO in reading only	1
Did not meet the AMO in math only.	1
Did not meet the AMO in one or more additional indicator only.	6
Did not meet the AMO in both reading and math.	21
Did not meet the AMO in reading and/or math and one or more additional indicator.	10

= 39 did not make AYP

Districts with a disability subgroup that meet the State's minimum "n" size AND met the State's AYP target for the disability subgroup.

Year	Total Number of Districts	Number of Districts Meeting the "n" size	Number of Districts that meet the minimum "n" size and met AYP for FFY 2009	Percent
FFY 2009 (2009-2010)	173	22	2	9%

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3. B - Actual Target Data for FFY 2009 (participation)

FFY	Measurable and Rigorous Target
2009 (2009-2010)	96%

Target Met

Table 4: Reading Participation Rate: Target Met

Reading and Language Arts	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Total
With IEPs	612	536	532	591	539	511	476	3797
Regular Assessment	545	484	462	528	466	451	410	3346
Regular Assessment with accommodations	282	268	260	317	283	279	262	1951
Alternate Assessment, grade level standards	30	13	22	18	20	15	7	125
Alternate Assessment, modified standards	14	23	26	29	32	29	15	168
Alternate Assessment, alternate standards	9	11	8	8	8	9	7	60
Total Assessed	598	531	518	583	526	504	439	3699
Percent Assessed	97.71%	99.07%	97.37%	98.65%	97.59%	98.63%	92.23%	97.42%

Table 5: Math Participation Rate: Target Met

Mathematics	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Total
With IEPs	613	536	532	592	539	511	488	3811
Regular Assessment	547	479	465	526	461	452	389	3319
Regular Assessment with accommodations	290	270	269	323	282	282	247	1963
Alternate Assessment, grade level standards	27	15	19	19	23	13	8	124
Alternate Assessment, modified standards	14	24	26	30	32	29	33	188
Alternate Assessment, alternate standards	10	11	9	8	8	9	8	63
Total Assessed	598	529	519	583	524	503	438	3694
Percent Assessed	97.55%	98.69%	97.56%	98.48%	97.22%	98.43%	89.75%	96.93%

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3.C. - Actual Achievement Target Data for FFY 2009:

FFY	Measurable and Rigorous Target
2009 (2009-2010)	Reduce the gap between the percent of “All” students achieving at the proficient/advanced level and the percent of students with disabilities achieving at the proficient or advanced level by 20% of the preceding year gap.

Table 6: Math Performance: # and % of Students with IEPs that Scored Proficient or Higher
Mathematics - Regular Assessment

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	76.78% (420)	83.71% (401)	89.89% (418)	89.35% (470)	90.46% (417)	91.37% (413)	92.54% (360)	87.73% (2899)
Proficient	19.74% (108)	15.45% (74)	9.03% (42)	8.94% (47)	7.81% (36)	7.74% (35)	6.94% (27)	10.81% (369)
Advanced	3.47% (19)	0.84% (4)	1.08% (5)	1.71% (9)	1.74% (8)	0.88% (4)	0.51% (2)	1.46% (51)
								100% (3319)

Mathematics - Alternate Assessments (versus all categories of standards)

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	66.67% (16)	51.43% (18)	54.29% (19)	73.68% (28)	67.50% (27)	44.74% (17)	26.83% (11)	54.18% (136)
Proficient	25.00% (6)	42.86% (15)	40.00% (14)	23.68% (9)	32.50% (13)	47.37% (18)	58.54% (24)	39.44% (99)
Advanced	8.33% (2)	5.71% (2)	5.71% (2)	2.63% (1)	0.00% (0)	7.89% (3)	14.63% (6)	6.37% (16)
								100% (251)

Mathematics - All Assessments

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	76.36% (436)	81.52% (419)	87.40% (437)	87.83% (498)	88.62% (444)	87.87% (435)	86.28% (371)	84.96% (3040)
Proficient	19.96% (114)	17.32% (89)	11.20% (56)	9.87% (56)	9.78% (49)	10.70% (53)	11.86% (51)	13.07% (468)
Advanced	3.68% (21)	1.17% (6)	1.40% (7)	2.29% (13)	1.60% (8)	1.41% (7)	1.86% (8)	1.95% (70)
								100% (3578)

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Table 7: Reading Performance: # and % of Students with IEPs that Scored Proficient or Higher

Reading/Language Arts -Regular Assessment

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	83.49% (455)	87.60% (424)	89.61% (414)	86.55% (457)	84.98% (396)	89.57% (494)	88.54% (363)	87.06% (2913)
Proficient	14.86% (81)	11.98% (58)	9.31% (43)	12.12% (64)	13.95% (65)	9.98% (45)	10.73% (44)	11.95% (400)
Advanced	1.65% (9)	0.41% (2)	1.08% (5)	1.33% (7)	1.07% (5)	0.44% (2)	0.73% (3)	0.99% (33)
								100% (3346)

Reading/Language Arts - Alternate Assessments (versus all categories of standards)

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	39.62% (21)	48.94% (23)	66.07% (37)	58.18% (32)	53.33% (32)	37.73% (26)	34.48% (13)	49.58% (184)
Proficient	43.40% (23)	38.30% (18)	17.85% (17)	29.09% (16)	31.67% (19)	47.17% (25)	48.28% (14)	35.41% (132)
Advanced	16.98% (9)	12.77% (6)	16.07% (9)	12.73% (7)	15.00% (9)	15.09% (8)	17.24% (5)	15.01% (53)
								100% (369)

Reading/Language Arts - All Assessments

	Grade 3	Grade 4	Grade 5	Grade 6	Grade 7	Grade 8	HS	Percent
Basic	78.28% (476)	84.18% (447)	87.07% (451)	83.58% (489)	81.37% (428)	82.01% (424)	84.97% (373)	82.92% (3088)
Proficient	18.75% (114)	14.31% (76)	10.23% (53)	14.01% (82)	15.97% (84)	15.28% (79)	13.21% (58)	14.66% (546)
Advanced	2.96% (18)	1.51% (8)	2.70% (14)	2.39% (14)	2.66% (14)	2.70% (14)	1.82% (8)	2.41% (90)
								100% (3724)

Discussion of Improvement: Explanation of Progress or Slippage that occurred for SY 2009-2010: Target was not met.

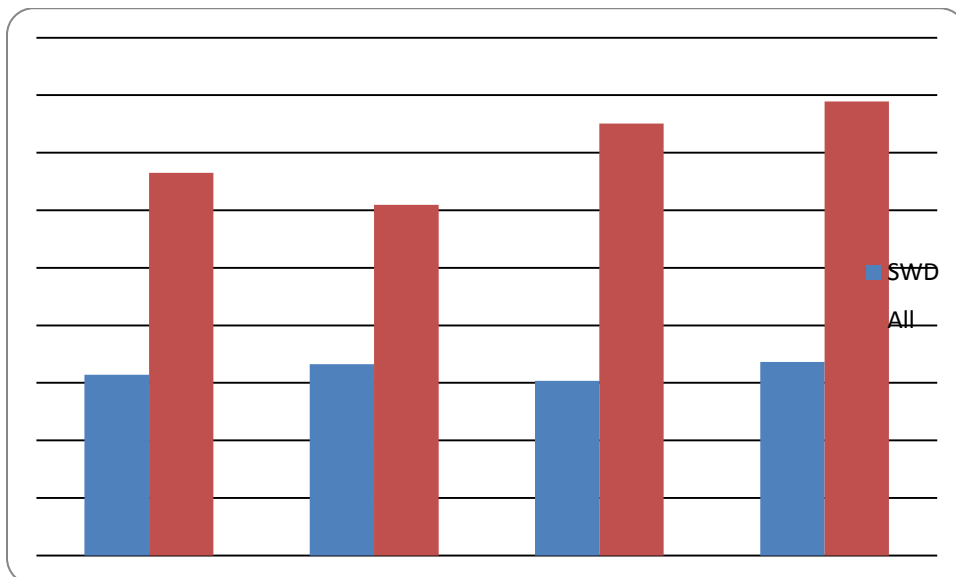
For SY2009-10, students with disabilities needed to improve by 3.314% in mathematics and by 3.4% in reading or language arts. That would make the target for math 18.5%, and 20% for reading or language arts. In math, proficient scores declined to roughly 13% for students with IEPs. For reading or language arts, scores also declined to roughly 17%. Consequently, the achievement targets set for students with disabilities was missed for both the math and reading or language arts subjects. **The targets were not met.** There are no obvious explanations for the decline in scores.

Table 8: Gap Between All Students in Proficient Scores in Reading and Math

	MATH		READING/LA	
	2008-2009	2009-2010	2008-2009	2009-2010
All	33.26%	30.48%	37.55%	39.45%
SWD	15.71%	16.61%	15.17%	16.82%
Gap	17.55%	13.87%	22.38%	22.63%

The target for improving proficiency among students with disabilities versus the general education population is to reduce the gap annually by 20%. For mathematics, this represents decreasing the gap between the two groups by 3.51%. This **target was met** in 2009-2010. However, the scoring for reading showed an increase in the gap between the two groups by 0.25%, with the target being a reduction by 4.47%. For reading, the **target was not met**.

Graph 5: Achievement Comparison for All students and SWD



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for SY 2009-2010:

ACTIVITY	STATUS	IMPACT STATEMENT
1. Technical assistance provided to all schools during the final rollout on the special education module in NASIS (Native American Student Information System).	Completed Summer 2009	Continued technical assistance on an "as needed" basis will promote the continued use of the NASIS special education module.

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ACTIVITY	STATUS	IMPACT STATEMENT
2. Third Annual National Special Education Academy to include sessions relevant to Assessment Accommodations, Proficiency and effects on students with disabilities.	Completed September 2009	Training provided a better understanding of Assessment Accommodations and Proficiency to general education staff.
3. Promote coordination between BIE Reading First, BIE Reads and Math Counts Programs, and school Special Education Coordinators.	On-going See Activity 3 below. Activity was reworded due to name changes of BIE Programs.	Coordination between programs will promote the importance of assessment accommodations for students with disabilities.
4. Disseminate information on the appropriate use of assessment accommodations, using conference sessions, joint presentations with accommodations/assistive technology groups.	Completed Summer 2010	Information shared through interactive presentations provided a better understanding of Assessment Accommodations for general education staff.
5. State accountability assessment data results will be reviewed and verified with each school by the BIE Data Unit.	Completed during AYP work sessions conducted summer and fall of each year.	Schools were provided an explanation of their data.

Justification 2009-2010:

Schools were invited to attend a final rollout training of the NASIS special education module in their region. Coordination between BIE programs, (i.e. BIE Special Education Program, BIE Data Unit, Reading First, BIE Reads, Math Counts, Title Programs, and BIE School Special Education Coordinators), is essential in promoting the importance of assessment accommodations for students with disabilities. Educating school staff on the appropriate use and types of assessment accommodations is a critical step to successful participation in assessments for students with disabilities. Continued review and verification of school assessment data, by the BIE Data Unit, is crucial to the improvement of the collection of reliable and valid data.

Revisions, with Justification, to Improvement Activities / Timelines / Resources for 2010-2011:

ACTIVITY	TIMELINE	RESOURCES
1. Provide training to schools and line offices on Accommodations and Modifications required to increase the achievement level of SWD. <ul style="list-style-type: none"> Annual National Special Education Academy 	Fall of each year Summer of each year	BIE Outside consultants on occasion

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ACTIVITY	TIMELINE	RESOURCES
<ul style="list-style-type: none">• Summer Institute• WebEx trainings	Throughout the school year	
2. BIE program managers will be invited to attend special education staff meetings to present current projects/programs in efforts to promote coordination and maximize resources necessary for increased student achievement.	A minimum of 2 times per year	DPA program managers
3. Regional work sessions with schools on AYP calculation and data analysis.	Summer and fall of each year	DPA data unit

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 4: Rates of suspension and expulsion:

- A. Percent of schools (BIE does not have districts) identified as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year; and
- B. Percent of districts that have (a) a significant discrepancy by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school year for children with IEPs, and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards. Because the Bureau of Indian Education is a system wide Native American school system, Indicator 4B does not apply. (20 U.S.C. 1416(a)(3)(A); 1412(a)(22))

Measurement:

- A. Percent = [(# of districts that have a significant discrepancy in the rates of suspensions and expulsions for greater than 10 days in a school year of children with IEPs) divided by the (# of districts in the State)] times 100.
- B. Percent = [(# of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rates of suspensions and expulsions of greater than 10 days in a school year of children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards) divided by the (# of districts in the State)] times 100.

Include State's definition of "significant discrepancy."

Note: For this, as all other indicators, the BIE data includes all schools. There is no distinction between BIE-operated and grant or contract operated schools. All schools are BIE-funded. See the introductory statement for clarification statement.

- A. Percent of schools (BIE does not have districts) identified as having a significant discrepancy in the rates of suspensions and expulsions of children with IEPs for greater than 10 days in a school year.

Definition of Significant Discrepancy:

(FFY 2008) A significant discrepancy is having a rate of suspensions/expulsions greater than 10 days that is two times the average for the Bureau of Indian Education. For this determination, a rate is calculated for schools that have no high school grades and a separate rate is calculated for schools that do have secondary grades.

Schools reporting less than 2 incidents of suspension/expulsion are not identified as a school exceeding the rate of suspensions/expulsions greater than 10 days that is two times the average for the Bureau of Indian Education. This individual incident, in many of the BIE funded schools, can be a false identifier. In many of the BIE funded schools, with their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate and could be a false indicator.

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FFY	Measureable and Rigorous Target
2008 (2008-2009)	No more than 7 of the BIE high schools or 8 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.

Target: not met.

Review of 2008-2009 data.

On Table 5, the BIE reported a total of 270 students (159 Out-of-School; 111 In-School) who were suspended or expelled for a period (either a single or a combination of days) that equaled greater than ten days.

The Bureau's average rate per total special education enrollment was 4.01%, (270 students >10 days/6737 SWD count). When calculated for schools having a secondary program, the average was 6.31%, (220 students >10 days/3488 SWD secondary count) and for Elementary schools the average was 1.54%, (50 students >10 days/3249 SWD elementary count).

A significant discrepancy was determined to be two times the average for each group; high schools and elementary schools comprising two separate groups. The tables below identify those schools which exceeded the systemic average for their group by a multiple of two.

High School (Secondary Schools) Suspension-Expulsion > 10 Days data:

The BIE includes in the secondary group any school that includes a 12th grade. The BIE has 60 schools in this category. The significant discrepancy is defined as two times the categorical average (**6.31 % X 2 = 12.62%**).

Table 8: Secondary Suspensions and Expulsions > 10 Days

Secondary Schools Having Significant Discrepancy in Suspension/Expulsion Rates > 10 Days				
School	Grade Level	SWD Count	Suspension/ Expulsion>10 Days	Rate S/E > 10 days
Many Farms	9-12	71	11	15.49%
Greyhills Academy	9-12	78	14	17.95%
Cibecue Community	K-12	44	10	22.73%
Crow Creek Reservation	6-12	18	4	22.22%
Lower Brule Day	K-12	45	8	17.78%
Nay-Ah-Shing	K-12	37	6	16.22%
Riverside Indian	4-12	104	22	21.15%
Chief Leschi	K-12	151	24	15.89%
Yakama Nation	9-12	12	8	66.67%
Choctaw Central HS	9-12	87	13	14.94%
Shoshone-Bannock	6-12	29	2	6.90%

The above schools are 11 of 60 schools in the secondary group. **Yakama Nation and Crow Creek Reservation** are highlighted in green due to the small 'n'. The BIE has determined that 'n's below 20 may yield data of limited reliability. The schools in this category will be notified of their numbers just as the other schools and they will be expected to address the root cause of the issue. With their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate.

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All of the above listed schools are of great concern and will receive priority technical assistance. Seven of the eleven identified schools have rates of suspension/expulsion in the two to three times the category average range (12.62%-18.93%).

Elementary Suspension-Expulsion > 10 Days data:

The BIE includes in the elementary group any school that includes any grades between kindergarten and eighth but does not include grades nine through twelve. The significant discrepancy is defined as two times the categorical average ($1.54\% \times 2 = 3.08\%$).

Table 9: Elementary Suspensions and Expulsions > 10 Days

Elementary Schools Having Significant Discrepancy in Suspension/Expulsion Rates > 10 Days				
School	Grade Level	SWD Count	Suspension / Expulsion >10 Days	Rate S/E > 10 days
Santa Rosa Boarding	K-8	18	3	16.67%
Theodore Roosevelt	6-8	13	4	30.77%
Wingate Elementary	K-8	83	3	3.61%
Lummi Tribal	K-6	70	6	8.57%
Choctaw Central Middle	7-8	30	2	6.67%
Tate Topa Tribal	K-8	82	3	3.66%
Ojibwa Indian	K-8	39	3	7.69%
Turtle Mountain Middle	6-8	58	9	15.52%
Cottonwood Day	K-8	23	1	4.35%
Shonto Preparatory	K-8	31	1	3.23%
Crystal Boarding	K-6	4	1	25.00%
John F. Kennedy Day	K-8	31	1	3.23%
T'siya Day	K-7	13	1	7.69%
Wounded Knee District	K-8	15	1	6.67%
Coeur d'Alene Tribal	K-8	20	1	5.00%
Beatrice Rafferty Elementary	K-8	18	1	5.56%
Bogue Chitto Elementary	K-8	31	1	3.23%

The above schools are 8 of 113 schools in the elementary group. **Santa Rosa Boarding and Theodore Roosevelt** schools are highlighted in green due to the small 'n'. The BIE has determined that 'n's below 20 may yield data of limited reliability. The schools in this category will be notified of their numbers just as the other schools. With their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate.

Cottonwood Day, Shonto Preparatory, Crystal Boarding, John F. Kennedy Day, T'siya Day, Wounded Knee District, Coeur d'Alene Tribal, Beatrice Rafferty Elementary, Bogue Chitto Elementary schools are highlighted in blue due to a single incident identifying the school as having significant discrepancy in rate of suspension/ expulsion. The BIE has determined that Schools reporting less than 2 incidents of suspension/expulsion, and still exceeding the rate of suspension/expulsion greater than two times the average for the Bureau of Indian Education are not identified as a school with significant discrepancy. The schools in this category will be notified of their numbers just as the other schools and they will be expected to address the root cause of the issue. With their low numbers of SWD, an individual incident of suspension and/or expulsion can have a significant effect on their suspension/expulsion rate.

All of the above listed schools are of great concern and will receive priority technical assistance. Two of the eight identified schools have rates of suspension/expulsion in the two to three times the categorical average range ($3.08\%-4.62\%$).

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Review of Policies, Procedures and Practices:

Review of 618, Table 5 data conducted during FFY 2008 indicated noncompliance within 19 schools. The BIE reported 11 schools in the secondary group and 8 schools in the elementary group as having significant discrepancy in suspensions and expulsions rates greater than 2 times the BIE average.

The schools were required to include in their Local School Performance Plan anticipated completion dates for improvement activities and corrective action activities.

BIE provided analysis feedback of improvement activities, approval of school improvement activities, and provide feedback of the improvement activities. BIE provided to the Schools specific technical assistance regarding positive behavioral supports, IEP development to address this issue, WebEx presentations regarding suspension and expulsion and reporting.

The BIE, Safe and Drug Free program, also offered training to the schools of a specific school wide positive behavior support program (BEST) to address this area, as well as, support consultation to support fidelity in the implementation of that program.

Correction of FFY2008 Findings of Noncompliance:

BIE conducted a review of school wide discipline policies and procedures, utilizing the FFY2009 Compliance Monitoring items, "relating to IEP development and implementation, strategies to support behavior- positive behavior supports and providing procedural safeguard information to parents," was conducted to verify that the Schools were implementing the regulatory practices and procedures."

BIE will ensure correction of noncompliance as soon as possible, but in no case more than one year from identification, notwithstanding the extent of the noncompliance.

Regulatory Compliant Secondary Schools:

- Greyhills Academy, Cibecue Community, Crow Creek Reservation, Nay-Ah-Shing, Riverside Indian, Choctaw Central High, Chief Leschi, Shoshone-Bannock and Yakama Nation.

Regulatory Compliant Elementary Schools:

- Santa Rosa Boarding, Theodore Roosevelt, Wingate Elementary, Lummi Tribal, Choctaw Central Middle, Tate Topa Tribal, Ojibwa Indian and Turtle Mountain Middle.

Correction of FFY2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

Identification/correction of schools exceeding the rate for FFY 2008:

1. Number of schools the BIE identified as having a suspension / expulsion rate above the target goal during the FFY2008 (the period from July 1, 2008 through June 30, 2009)	19
2. Number of FFY2008 schools the BIE verified as no longer having a rate 2 times above the systemic BIE average (within one year from the date of identification)	17
3. Number of FFY2008 schools not verified as no longer having a rate 2 times above the systemic BIE average.	2
4. Number of FFY2008 schools not verified as no longer having a rate 2 times above the national BIE average. (same as the number from (3) above)	2
5. Number of FFY2008 schools for which the BIE has verified as corrected beyond the one year timeline ("subsequent correction")	2
6. Number of FFY2008 schools not yet verified as corrected [(4) minus (5)]	0

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BIE conducted a review of school wide discipline policies and procedures, utilizing the FFY2009 Compliance Monitoring items, “relating to IEP development and implementation, strategies to support behavior- positive behavior supports and providing procedural safeguard information to parents,” was conducted to verify that the Schools were implementing the regulatory practices and procedures.”

Regulatory Noncompliant Schools:

- Many Farms and Lower Brule Day

Many Farms student files identified as noncompliant for: IEP consideration of positive behavior interventions, supports, and other strategies to address behavior; IEP consideration of positive behavior supports appropriate to reduce the possibility of suspension / expulsion; procedural safeguards brochure provided at least once per year to parents.

Lower Brule Day student files identified as noncompliant for: IEP consideration of positive behavior supports appropriate to reduce the possibility of suspension / expulsion.

The schools were required to include in their Local School Performance Plan anticipated completion dates for improvement activities and corrective action activities.

BIE provided analysis feedback of improvement activities, approval of school improvement activities, and provide feedback of the improvement activities. BIE provided to the Schools specific technical assistance regarding positive behavioral supports, IEP development to address this issue, WebEx presentations regarding suspension and expulsion and reporting.

The BIE Safe and Drug Free program, also offered training to the schools of a specific school wide positive behavior support program (BEST) to address this area, as well as, support consultation to support fidelity in the implementation of that program.

BIE required the schools to make student file corrections of 2009-2010 Compliance Monitoring noncompliance item(s). BIE utilized desk-auditing to verify correction of student files.

BIE required the schools to complete and submit, *BIE Self-Assessment Tool: Long-Term Suspension / Expulsion Rates*, the tool is intended to assist schools in identifying potential areas in need of improvement related to significant discrepancy of suspension and expulsion rates for students with disabilities, and to assist schools in revising policies, practices and procedures as necessary to assure IDEA compliance. BIE provided analysis feedback of improvement activities, approval of school improvement activities, and provide feedback of the improvement activities.

Correction of Remaining FFY2007 Findings of Noncompliance:

1. Number of remaining FFY 2007 non-compliance schools identified in OSEP's June 3, 2010 response table for this indicator.	3
2. Number of remaining FFY 2007 non-compliance schools the BIE has verified as corrected.	3
3. Number of remaining FFY 2007 findings the BIE has not verified as corrected. [(1) minus (2)]	0

Review of 618, Table 5 data conducted during FFY2007 indicated noncompliance within 14 schools. The BIE reported 5 schools in the secondary group and 9 schools in the elementary group as having significant discrepancy in suspensions and expulsions rates greater than 3 times the BIE average. BIE identified 3 schools; **Turtle Mountain Middle, Choctaw Central Middle and Ojibwa Indian** as non-compliance schools the BIE has not verified as corrected.

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The schools were required to include in their Local School Performance Plan anticipated completion dates for improvement activities and corrective action activities. BIE provided analysis feedback of improvement activities, approval of school improvement activities, and provide feedback of the improvement activities.

BIE provided to the Schools specific technical assistance regarding positive behavioral supports, IEP development to address this issue, WebEx presentations regarding suspension and expulsion and reporting.

The BIE, Safe and Drug Free program, also offered training to the schools of a specific school wide positive behavior support program (BEST) to address this area, as well as, support consultation to support fidelity in the implementation of that program.

Correction of Remaining Findings:

BIE conducted a review of school wide discipline policies and procedures, utilizing the FFY2009 Compliance Monitoring items, "relating to IEP development and implementation, strategies to support behavior- positive behavior supports and providing procedural safeguard information to parents," was conducted to verify that the Schools were implementing the regulatory practices and procedures."

BIE required the schools to make student file correction of 2008-2009 Compliance Monitoring noncompliance item(s). BIE utilized desk-auditing to verify correction of student files.

BIE required the schools to complete and submit, *BIE Self-Assessment Tool: Long-Term Suspension / Expulsion Rates*, the tool is intended to assist schools in identifying potential areas in need of improvement related to significant discrepancy of suspension and expulsion rates for students with disabilities, and to assist schools in revising policies, practices and procedures as necessary to assure IDEA compliance. BIE provided analysis feedback of improvement activities, approval of school improvement activities, and provide feedback of the improvement activities.

Regulatory Compliant Schools:

- Turtle Mountain Middle, Choctaw Central Middle and Ojibwa Indian

Explanation of Progress or Slippage that occurred for 2008:

BIE showed slippage overall and in both the secondary and elementary groups. Some of the overall slippage can be attributed to greater reporting of true and accurate suspensions and expulsions data by schools. Also, BIE's data collect instrument, NASIS, is collecting real-time, accurate data that is providing a truer picture of the systemic data.

The definition of Significant Discrepancy has changed from having a rate of suspensions/expulsions greater than 10 days that is three times the average for the Bureau of Indian Education in FFY 2007, to having a rate of suspensions/expulsions greater than 10 days that is two times the average for the Bureau of Indian Education in FFY 2008. If using the FFY2007 definition of Significant Discrepancy, three times the BIE average, 8 schools, two Elementary schools and six Secondary schools would not be identified as exceeding the Rate for Suspension / Expulsion >10 days for FFY2008.

Table 10: BIE Schools SWD Suspension/Expulsion rate >10 Days

	Systemic Rate	Secondary Rate	Elementary Rate
SY0708	1.35%	2.05%	.60%
SY0809	4.01%	6.31%	1.54%
Difference Rate	+2.66%	+4.26%	+.94

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Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009:

ACTIVITY	STATUS	IMPACT STATEMENT
1. The Third Annual National Special Education Academy.	Completed September 2009	Special Education Academy included breakout sessions for all schools on the topic of Alternative to Suspension. Special Education teachers, administrators; General Education teachers, School Board members; and parents of students with disabilities attended the breakout sessions on the topic of Alternative to Suspension.
BIE-DPA conducted systemic data analysis of Local School Performance Plans in the area of discipline of SWD.	Completed	BIE-DPA provided feedback to the schools about their improvement activities. Utilizing the data, BIE/DPA coordinated professional development opportunities on school wide Positive Behavior Intervention Strategies for schools identifying need. Through collaboration with BIE Title IV Safe Schools Grant, 18 schools were offered training opportunities in the University of Oregon Institute on Violence and Destructive Behavior, BEST program.
BIE-DPA provided training in the area of discipline of students with disabilities and NASIS data entry training classes to school personnel.	Completed	BIE-DPA provided targeted technical assistance via WebEx presentations, and school-site training on suspensions and expulsions. Training was provided to all schools regarding definition of terms for suspensions and expulsions. This included data entry terms for NASIS input validity.
Utilizing the LSPP process, through feedback to schools of school improvement activity, BIE-DPA encouraged Schools to clarify/ examine/develop activities to reduce incidents of suspensions and/or expulsion.	Completed	Many schools have implemented excellent improvement strategies to reduce incidents of suspensions and/or expulsion. 90% of the schools wrote excellent activities.
<i>Implement the BIE Self-Assessment Tool: Long-Term Suspension / Expulsion Rates</i>	Completed and On-going	The tool has assisted schools in identifying potential areas in need of improvement related to significant discrepancy of suspension and expulsion rates for students with disabilities, and has assisted schools in revising policies, practices and procedures as necessary to assure

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ACTIVITY	STATUS	IMPACT STATEMENT
		IDEA compliance. Schools have responded with positive comment on the value of the Self-Assessment tool in providing correct regulatory practice and procedure when administering discipline for SWD.

3. Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011)

2009 (2009-2010)	No more than 3 of the BIE high schools or 6 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
2010 (2010-2011)	No more than 2 of the BIE high schools or 5 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
2011 (2011-2012)	No more than 2 of the BIE high schools or 5 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.
2012 (2012-2013)	No more than 2 of the BIE high schools or 5 BIE elementary schools will report suspensions and expulsion rates greater than two times the BIE average for that group of schools.

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCES
4. Provide training related to the discipline of SWD via WebEx presentation, and school on-site training opportunities, (NASIS reporting, regulatory requirements, Least Restrictive Environment, Functional Behavior Assessment, Behavior Intervention Plan, Behavior goals, Positive Behavior Intervention Strategies).	SY 2010-2013	NASIS DPA Special Education Unit WebEx trainings BIE Summer Institute Special Education Academy Consultants
5. Utilizing systemic data analysis of Local School Performance Plans and School Self-assessment Tool: <i>Long-Term Suspension / Expulsion Rates</i> , provide feedback to the schools about their improvement activities as they relate to Indicator 4.	SY 2010-2013	DPA Special Education Unit

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ACTIVITY	TIMELINE	RESOURCES
6. Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2010-2013	DPA Special Education Unit WebEx trainings BIE Summer Institute Special Education Academy
7. Provide training on the use of a new NASIS form titled: <u>BIE Student File Review: Students with Disability having Suspension or Expulsion Greater than 10 Days in a School Year</u>	SY 2010-2013	DPA WebEx trainings BIE Summer Institute Special Education Academy
8. Provide training to schools and line offices on the RTI process for all students.	SY 2010-2013	BIE Summer Institute Special Education Academy NCA Conference DPA Special Education

Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 5: Percent of children with IEPs aged 6 through 21 served:

A. Inside the regular class 80% or more of the day;

B. Inside the regular class less than 40% of the day; and

C. In separate schools, residential facilities, or homebound/hospital placements.

(20 U.S.C. 1416(a)(3)(A))

Measurement:

<p>A. Percent = [(# of children with IEPs served inside the regular class 80% or more of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>
--

<p>B. Percent = [(# of children with IEPs served inside the regular class less than 40% of the day) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>
--

<p>C. Percent = [(# of children with IEPs served in separate schools, residential facilities, or homebound/hospital placements) divided by the (total # of students aged 6 through 21 with IEPs)] times 100.</p>
--

<p>Source: 618 data – Table 3.</p>

Note: For this, as all other indicators, the BIE data includes all schools. There is no distinction between BIE-operated and grant or contract operated schools. All schools are BIE-funded. See the introductory statement for clarification statement.

Note: The BIE presented data from this indicator, as well as all indicators to stakeholders groups as described in the introductory statement.

Overview of Issue/Description of System or Process:

The data is collected for this indicator via the student information system (Native American Student Information System, NASIS). Via this application, schools can track all environment data based on IEP entry. There are validation reports a school can run to make sure all students identified as receiving special education services has a valid entry to location and length of services received. In turn, the Division of Performance and Accountability (DPA) for the BIE can retrieve that information by student, by school or by aggregated data across the entire BIE.

The IEP system is a part of NASIS and logs all environment characteristics as entered in the IEP.

A. Inside the regular class 80% or more of the day

FFY	Measurable and Rigorous Target
2009	<p>Show at least a 1% growth in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day. (70.17%)</p> <p>(69.48% + .69 = 70.17%)</p>

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Target: Met

B. Inside the regular class less than 40% of the day

FFY	Measurable and Rigorous Target
2009	Show at least a .5% decrease in the numbers of students receiving appropriate special education services Inside the regular class less than 40% of the day. (7.37%) (7.41% - .037 = 7.37%)

Target: Met

C. Private or separate schools, residential placements, homebound or hospital placements

FFY	Measurable and Rigorous Target
2009	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings.

Target: Not Met

Actual Target Data for FFY 2009:

Table 11: FFY 2009 Environments Distribution

Category	Ages 6-21	%	Ages 4-21	%
A. Inside gen. ed.> 80%	4521	71.16%	4892	72.51%
Inside gen. ed. 40-79%	1305	20.54%	1315	19.49%
B. Inside gen. ed. <40%	465	7.32%	470	6.96%
C. Separate combined	62	.98%	70	1.04%
Total	6353	100%	6747	100%

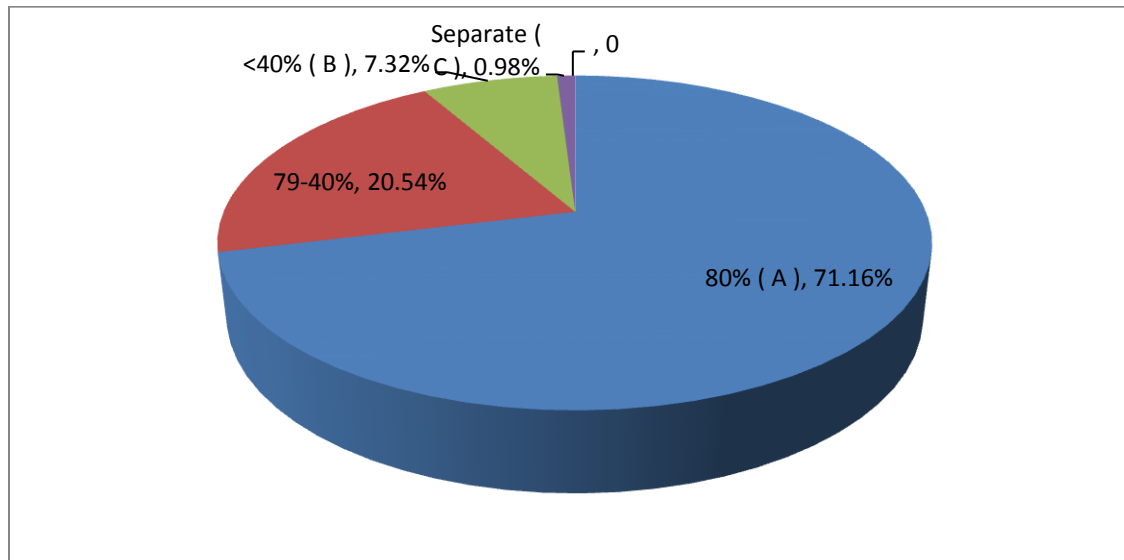
Table 12: FFY 2006, 2007, 2008, 2009

Placement	+80% (A)	79-40%	<40% (B)	Separate (C)
Comparison, ages 6-21				
2006	65.01%	25.23%	8.92%	.84%
2007	64.17%	25.94%	9.08%	.82%
2008	69.48%	22.30%	7.41%	.81%
2009	71.16%	20.54%	7.32%	.98%
Comparison, all school age per BIE school system				
2009	72.51%	19.49%	6.96%	1.04%

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Graph 6: Ages 6-21 FFY 2009 Environment



Note: BIE does not have early Part B programs. There are a few 4 and 5 year olds in BIE schools in kindergarten that are reported in the 3 to 5 year section of Table 3. The BIE considers these students as a part of their age programs. However, they are not included in the above graph.

Table 13: Placement Progress/Slippage

	FFY 2006 Data	FFY 2007 Data	FFY 2008 Data	FFY 2009 Data	FFY 2009 Target	Progress
Inside the regular class 80% or more of the school day (A)	65.01	64.17	69.48	71.16	70.17	+2.42%
Inside the regular class less than 40% of the school day (B)	8.92	9.08	7.41	7.32	7.37	<1.21%>
Served in public or private separate schools, residential placements, or homebound or hospital placements. (C)	.84	.82	.81	.98	.45	+2.10%

Explanation of Progress or Slippage that occurred for FFY 2009:

Progress or Slippage - Target Met/Maintain:

The 618 data showed a slight increase in the total number of BIE school-age students with IEPs (17 students for a change of .25%). There were 6,747 school-aged students for FFY 2009 as compared to 6,730 for FFY2008 and 7,002 for FFY 2007.

Indicator 5A.

The BIE **did meet the identified target** of showing at least a 1% growth in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day. The BIE showed a 2.42% increase, 71.16% for FFY 2009; as compared to 69.48% for FFY2008 and 64.17% for FFY2007.

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Indicator 5.B.

The BIE **did meet the identified target** of showing at least a .5% (7.37) decrease in the number of students receiving appropriate special education services inside the regular class less than 40% of the day. The BIE showed a .1.21% decrease, 7.32 for FFY 2009; as compared to 7.41% for FFY2008, and 9.08%for FFY2007.

Indicator 5.C.

The BIE **did not meet the identified target** of showing that no more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings. The BIE showed a 2.10% increase, .98% for FFY 2009; as compared to .81% for FFY2008 and to .82% for FFY2007-2008. The BIE is still .52%, or 33 students with IEPs over the target.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for 2009:

ACTIVITIES	STATUS	IMPACT STATEMENT
1. Train school level personnel on both the concept of placements in the least restrictive environment and the data input that will accurately reflect placements in their school.	Completed and on-going	The level of SWD in the general education classroom >80% has increased by 2.42%, and the level of SWD in the general education classroom <40% has decreased by 1.21%.
2. WebEx trainings on Least Restrictive Environment related topics. (Procedural Safeguards, National Instructional Materials Accessibility Standards, and Assistive Technology).	Completed and on-going	Schools have responded with positive comment on the value of the training in providing correct regulatory practice and procedure in the educational placement for SWD.
3. Blind/Visually Impaired Resources Guide disseminated to the schools via BIE website in the Resources Section.	Completed	The Guide provides resources to IEP Teams for accommodations and supplementary aids to consider in providing the SWD access to academic instruction in the least restrictive environment.
4. Assistive Technology Resources Guide disbursed to the schools via BIE website in the Resources Section.	Completed	The Guide provides resources to IEP Teams for accommodations and supplementary aids to consider in providing the SWD access to academic instruction in the least restrictive environment.
5. Bookshare – NIMAS Systemic memorandum to the Schools for Schools and individual student access to the Bookshare Program.	Completed	Bookshare provides to the BIE Schools a repository of electronic, accessible books for students who are blind or have need for alternative formats. The Program also provides web-based training and on-site workshop

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		opportunities.
6. AIM Navigator - NIMAS Systemic memorandum to the Schools regarding the utilization of the AIM Navigator.	Completed	The tool facilitates the IEP Teams process of decision-making about accessible instructional materials for an individual student. It guides IEP Teams through a step-by-step process and provides support with resources, and links to other helpful tools.

The target calculation remains the same. The number that would reflect that target has been added.

A. Inside the regular class 80% or more of the day

FFY	Measurable and Rigorous Target
2010	Show at least a 1% growth in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day. Target Goal (71.87%) (71.16 + .71 = 71.87)
2011	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day at the 2010 level.
2012	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class 80% or more of the day at the 2010 level.

B. Inside the regular class less than 40% of the day

FFY	Measurable and Rigorous Target
2010	Show at least .5% decrease in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day. Target Goal (7.28%) (7.32 - .0366 = 7.28%)
2011	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day at the 2010 level.
2012	Maintain the percent in the numbers of students receiving appropriate special education services inside the regular class less than 40% of the day at the 2010 level.

C. Private or separate schools, residential placements, homebound or hospital Placements

FFY	Measurable and Rigorous Target
2010	No more than .45% of students with disabilities will receive services in separate schools, residential placements, in hospital settings or in homebound settings. Target Goal is dependent upon SWD count

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FFY	Measurable and Rigorous Target
2011	Maintain the percent in students with disabilities that receive services in separate schools, residential placements, in hospital settings or in homebound settings at the 2010 level. Target Goal is dependent upon SWD count
2012	Maintain the percent in students with disabilities that receive services in separate schools, residential placements, in hospital settings or in homebound settings at the 2010 level. Target Goal is dependent upon SWD count

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCES
1. Provide training related to the Least Restrictive Environment via WebEx presentation, and school on-site training opportunities, (NASIS reporting, Procedural Safeguards, assistive technology, National Instructional Materials Standard, co-teaching strategies).	SY 2010-2012	BIE NASIS DPA Special Education Unit WebEx trainings On-site School training BIE Summer Institute Special Education Academy
2. Utilize systemic data analysis of Local School Performance Plans, and provide feedback to the schools about their improvement activities.	SY 2010-2012	BIE-Funded Schools DPA Special Education Unit
3. Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2010-2012	BIE-Funded Schools DPA Special Education Unit WebEx trainings BIE Summer Institute Special Education Academy
4. Provide training to schools and line offices on the RTI process for all students.	SY 2010-2012	BIE Summer Institute Special Education Academy NCA Conference ELOs, Principals presentations DPA Special Education

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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: FAPE in the LRE

Indicator 8: Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities. (20 U.S.C. 1416(a)(3)(A))

Measurement: Percent = [(# of respondent parents who report schools facilitated parent involvement as a means of improving services and results for children with disabilities) divided by the (total # of respondent parents of children with disabilities)] times 100.

FFY	Measurable and Rigorous Target
2009	Increase percent of parents indicating satisfaction at or above the standard by 1%. (33.98%- 'Strongly Agree' or "Very Strongly Agree") (33.64% + .34% = 33.98%) (88.61%- 'Agree', 'Strongly Agree' or "Very Strongly Agree") (87.73% + .88% = 88.61%)

Target: Met

FFY	Measurable and Rigorous Target
2009	Increase percent of Parent Survey Response Rate by 1%. Parent Response (49.45% + .50% = 49.95%) School Site Response (87.01% + .87% = 87.88%)

Target: Met

Actual Target Data for 2009:

Table 14: FFY2009 Percent of Parents Who Report the School Facilitated Their Involvement
(Strongly Agree' or "Very Strongly Agree' categories)

	FFY 2009 Data	FFY 2009 Target
Total number of Parent Respondents	3,990	
Number who reported school facilitated their involvement	1,507	
Percentage who reported school facilitated their involvement	37.77%	33.98%

(33.64% + .34% = 33.98%)

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Table 15: FFY2009 Percent of Parents Who Report the School Facilitated Their Involvement
("Agree", "Strongly Agree" or "Very Strongly Agree" categories)

	FFY 2009 Data	FFY 2009 Target
Total number of Parent Respondents	3,990	
Number who reported school facilitated their involvement	3,570	
Percentage who reported school facilitated their involvement	89.47%	88.61%

(87.73% + .88% = 88.61%)

Table 16: FFY2009 Parent Survey Response Rate

	Surveys Distribution	Surveys Returned	FFY 2009 Data Response Rate	FFY 2009 Response Rate Target
Parent Response	6,944	3,990	57.46%	49.95%
School Site Response	174	156	89.66%	87.88%

Parent Response (49.45% + .50% = 49.95%)
School Site Response (87.01% + .87% = 87.88%)

Parent Survey Progress/Slippage Data:

Table 17: Progress/Slippage - Percent of Parents Who Report the School Facilitated Their Involvement- 4 Year Trend ("Strongly Agree" or "Very Strongly Agree" Categories)

FFY	Total number of Parent Respondents	Number who reported school facilitated their involvement	Percentage who reported school facilitated their involvement	Progress
FFY 2006	2,087	689	33.01%	
FFY 2007	3,143	1,037	32.99%	<.06>
FFY 2008	4,052	1,363	33.64%	+1.97%
FFY 2009	3,990	1,507	37.77%	+12.28%

Table 18: Progress/Slippage - Percent of Parents Who Report the School Facilitated Their Involvement- 2 Year Trend ("Agree", "Strongly Agree" or "Very Strongly Agree" categories)

FFY	Total number of Parent Respondents	Number who reported school facilitated their involvement	Percentage who reported school facilitated their involvement	Progress
FFY 2008	4,052	3,554	87.71%	
FFY 2009	3,990	3,570	89.47%	2.01%

**Table 19: Progress/Slippage - Parent Survey Response Rate 4 Year Trend
(Parent Response)**

FFY	Surveys distributed	Surveys Returned	Response rate	Progress
2006	7,591	2,087	27.49%	
2007	6,566	3,143	47.87%	+74.14%
2008	8,194	4,052	49.45%	+3.30%
2009	6,944	3,990	57.46%	+16.20%

**Table 20: Progress/Slippage Parent Survey Response Rate 4 Year Trend
(School Site Response)**

FFY	School Sites distributed	School Sites Survey returned	Response rate	Progress
2006	175	108	61.71%	
2007	172	152	88.37%	+42.20%
2008	177	154	87.01%	<1.54%>
2009	174	156	89.66%	+3.05%

The FFY 2009 target of 33.98 % (Strongly Agree' or "Very Strongly Agree' categories) **was met**. There was an increase of 12.27% from the previous year in the percent of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

The FFY 2009 target of 88.61% ("Agree", "Strongly Agree" or "Very Strongly Agree' categories) **was met**. There was an increase of 2.01% from the previous year in the percent of parents with a child receiving special education services who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities.

The FFY 2009 response rates were met in both the parent survey return percentage rate, 49.45% to 57.46%, and the school sites survey return percentage rate, 87.01% to 89.66%.

There was a 16.20% increase in the response percentage of surveys returned by parents. There was a 3.05% increase in the response percentage of surveys returned by school sites. The increase in response rate was the result of increased communication with schools and training on the purpose of the surveys, and the importance of parent follow-up in the completion of the surveys. In addition, the surveys were sent directly to the schools and not through the education line offices. Finally, an emphasis on returning surveys in a timely manner has been reiterated to school sites. Schools are reminded to turn in surveys prior to the deadline so their results can be included in the overall analysis.

Survey Instrument

The tool used to measure "the percentage of parents who reported that schools facilitated parent involvement as a means of improving services and results for children with disabilities" was the Schools' Efforts to Partner with Parents Scale (SEPPS). The SEPPS was developed by the National Center for Special Education Accountability Monitoring (NCSEAM) to provide states with a valid and reliable instrument for measuring the extent to which parents perceive that schools facilitate their involvement. Potential items to measure schools' facilitation of parent involvement, as well as other aspects of parents' involvement with and perceptions about special education services, were developed with substantial input from parents and other key stakeholders across the country. The survey was printed in a scanable format and distributed to all schools in March 2010.

Representation

The data collected by the survey instrument is representative of the BIE student population. The survey instrument was used as a census survey, not a sampling survey. Every parent of a student in a BIE school was given the opportunity to rate Indicator #8. Additionally, according to the August 2010 Analysis of Parent Survey Data Addressing Part B SPP/APR Indicator #8, a report prepared for the BIE by Piedra Data Services reads “A total of 6,944 surveys were shipped to 174 sites; 3,990 were returned from 156 sites for an overall response rate of 57.46%.

The number of returned surveys exceeds the minimum number required for an adequate confidence level based on established survey sample guidelines (e.g., <http://www.surveysystem.com/sscalc.htm>).”

The survey responses were aligned with the grade level distribution of students with disabilities within BIE schools. The disability survey responses were also represented proportionally across disabilities.

Ethnicity distribution does not apply to the BIE as the system is American Indian.

Table 21: Distribution by Disability

		Survey	BIE			Survey	BIE
MR	40	122 (3%)	351 (5%)	D/B	48	2 (<1%)	0 0%
HI	41	24 (<1%)	48 (<1%)	Mult.	49	85 (2%)	146 (2%)
Sp/Lg	42	758 (19%)	1433 (21%)	Autism	50	60 (2%)	97 (1%)
VI	43	18 (<1%)	17 (<1%)	TBI	51	14 (<1%)	31 (<1%)
ED	44	133 (3%)	372 (5%)	DD	52	240 (6%)	363 (5%)
OI	45	5 (<1%)	9 (<1%)	Missing		549 (14%)	
OHI	46	171 (4%)	414 (6%)	More Than One		297 (7%)	
SLD	47	1,510 (38%)	3,439 (51%)				

Graph 7: Distribution by Disability

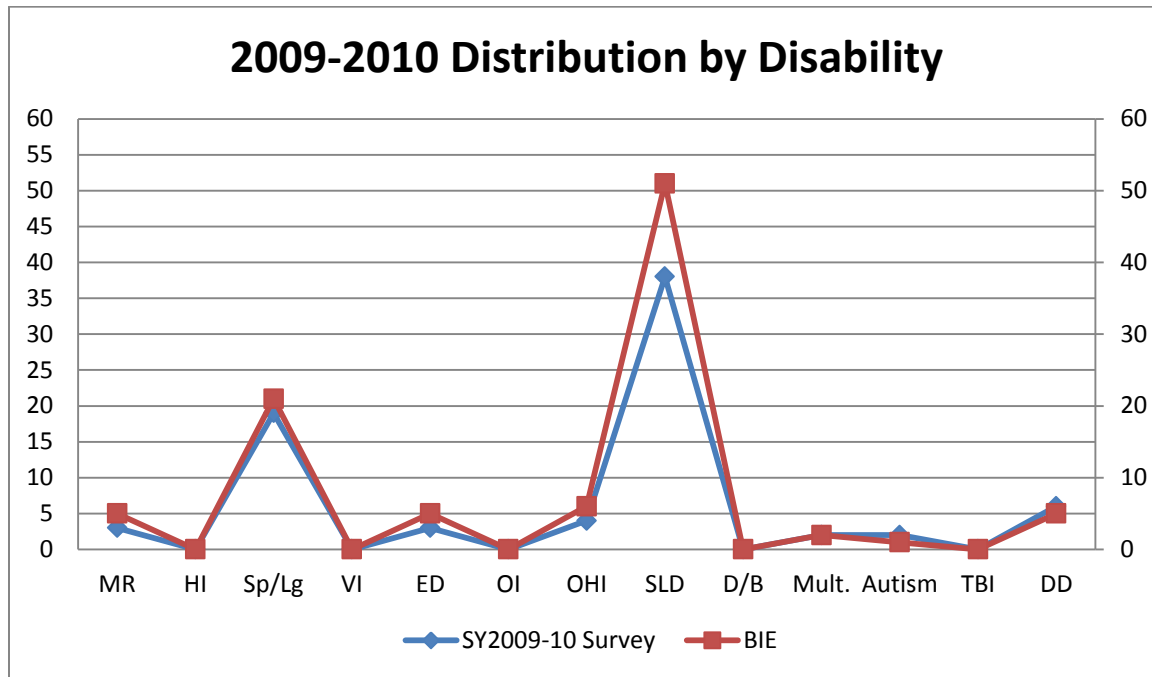


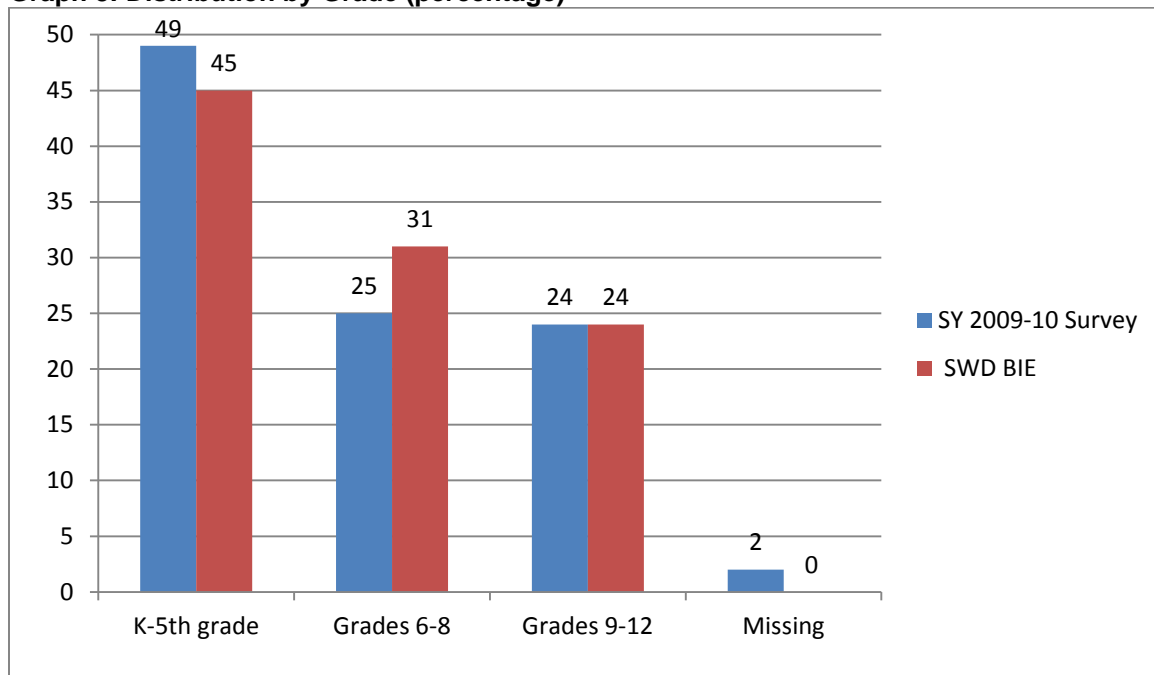
Table 22: Distribution by Grade

	% of Parent Responses	BIE % of Students with Disabilities
K-5th	49%	45%
6 th -8 th	25%	31%
9 th -12th	24%	24%
missing	2%	

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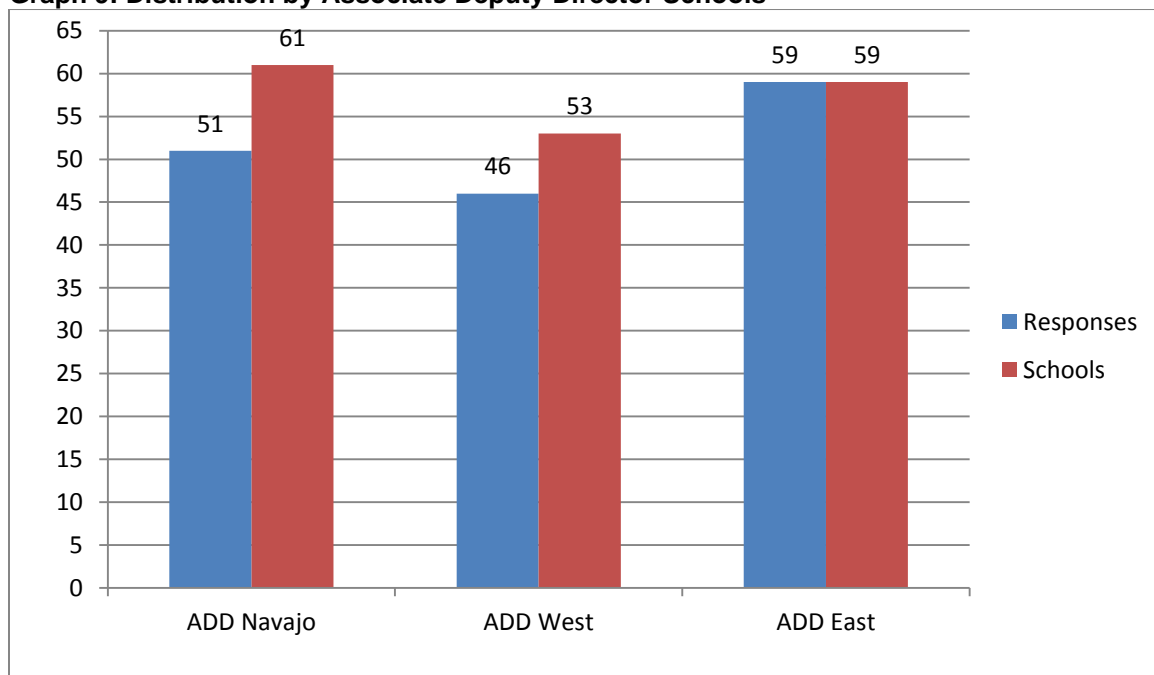
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Graph 8: Distribution by Grade (percentage)



The BIE schools fall under 22 Education Line Offices that are administered by three Associate Deputy Directors (ADD), Navajo, East, and West. The chart below indicates the number of schools that responded to the survey in each ADD.

Graph 9: Distribution by Associate Deputy Director Schools



Reliability and Validity

The survey administered by the BIE consisted of a 25-item rating scale, the SEPPS, developed and validated by the National Center for Special Education Accountability Monitoring (NCSEAM).

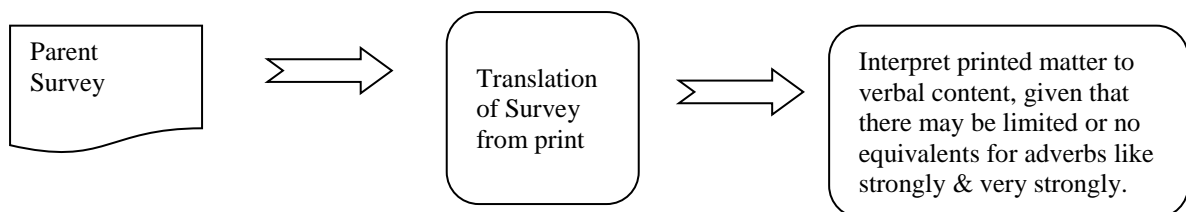
The survey that is being used by the BIE is based on a scale that looks at the number of question responses that fall in the 'Strongly Agree' or "Very Strongly Agree" categories. By that measure of satisfaction there were 1,507 parents that indicated the school facilitated parent involvement as a means of improving services and results for children with disabilities. This is 37.77% which does meet our target goal.

The BIE also calculated the percent of positive survey results by including "Agree" with 'Strongly Agree' or "Very Strongly Agree" categories. The results from this calculation indicate that 89.47% of parents indicated that the school facilitated parent involvement as a means of improving services and results for children with disabilities. The BIE National Special Education Advisory Board recommended to BIE-DPA this method of calculation for 'Percent of Parents Who Report the School Facilitated Their Involvement', as an improvement activity for the Parent Survey instrument.

It is hypothesized that the second number, "Agree" with 'Strongly Agree' or "Very Strongly Agree", is more representative of parents' belief regarding this indicator. There are several factors that were considered in making this hypothesis. Many of the parents have limited English proficiency. This makes the finer level of discrimination a more complex task and it is not clear that the variations of 'Agree' are understood as significantly different. To respond 'Agree' can be interpreted as sufficient to indicate satisfaction with the schools activities.

In some schools, staff read the survey instrument to parents. However, this requires two different processes. Based on one source, "the difference between interpreting and translation is only the difference in the medium: the interpreter translates orally, while a translator interprets written text. (retrieved on 1/20/10 from <http://www.ricintl.com/interpreting-vs-translationservices.html>).

Thus, in situations where a staff person reads the survey instrument to the parent, the initial step is translation followed by interpretation. Although many Native languages are written, few can read the linguistically based alphabet. See process below that depicts roughly the steps in reading the survey.

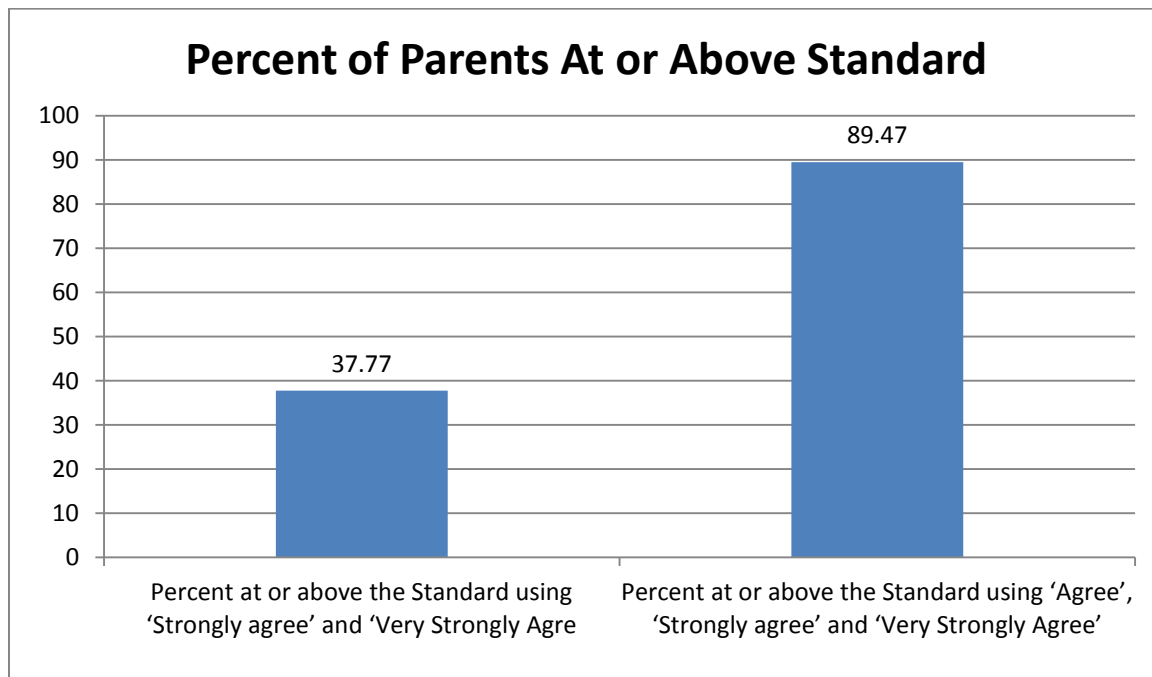


Based on one example, would one ask a parent if they 'agree' with a statement or if they 'agree, agree' or yet perhaps if they 'agree, agree, agree'? This would simply be a redundant question. One would simply agree or disagree with no need to further qualify the response. The BIE contends that even in circumstance where parents understand English, competence of language may be at the level of surface structure rather than deep structure. Thus, an individual may have an understanding of words, yet the meaning of a sentence may be diminished due to the sentence structure, dual meaning of words, or perhaps idiosyncratic use of words.

Based on the above discussion that reports agreement with the indicator more broadly it is believed that the BIE *did* meet the target they wished.

Graph 10: Percent of Parents at or Above Standard (Graph Below)

FFY	Percent at or above the Standard using 'Strongly agree' and 'Very Strongly Agree'	Percent at or above the Standard using 'Agree', 'Strongly agree' and 'Very Strongly Agree'
2008	33.64%	87.71%
2009	37.77%	89.47%



Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

Last year, FFY 2008, the analysis relative to the SPP Indicator #8 reported that 87.71% of the respondents met the survey standard for reporting the schools facilitated parent involvement as means of improving services and results for children with disabilities. In FFY 2009, the analysis relative to the SPP Indicator #8 reported that 89.47% of the respondents met the survey standard for reporting that the schools facilitated parent involvement as a means of improving services and results for children with disabilities. The score of 89.47% indicated 9 out of 10 parents of students with disabilities served at BIE sites had measures high enough to support the claim that schools facilitate parent involvement at the level deemed desirable and appropriate by the BIE.

ACTIVITIES	STATUS	IMPACT STATEMENT
2009 Special Education Academy	Completed	Provided schools, Education Line Offices, Associate Deputy Director, the most current information on critical issues in special education.

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ACTIVITIES	STATUS	IMPACT STATEMENT
FFY2009 Parent Survey conducted during Spring 2010, improved delivery model: 1. Letters sent to Schools Announcing the Survey- March 2010 2. Surveys Distributed- March 2010 3. Surveys Returned- May 2010 4. Individualized Report Issued to each school- August 2010 5. Systemic Report Issued- August 2010	Completed	Parents voicing comments on SWD educational program in the current school year. This provided for more valid data collection.
Utilization of BIE National Special Education Advisory Board Priority Area recommendations	Completed 1. Revision of parent survey discussion 2. Parent training <ul style="list-style-type: none"> Student academic <ul style="list-style-type: none"> Math, reading, core curriculum Special needs issues <ul style="list-style-type: none"> IEP process / parent rights Alternative assessments Individual student needs issues On-going 3. Recommend need of a Parent Information Center for BIE Parent training other parent- adopt model 4. Form a Parent Advisory Group attached to Advisory Board	Increased schools communities' awareness in importance of parent involvement in their child's academic success.

FFY	Measurable and Rigorous Target
2010	Increase percent of parents indicating satisfaction at or above the standard by 1%. (38.15%- 'Strongly Agree' or "Very Strongly Agree") (37.77% + .38% = 38.15%) (90.36%- 'Agree', 'Strongly Agree' or "Very Strongly Agree") (89.47% + .89% = 90.36%)
2011	Maintain current percent of parents indicating satisfaction at or above the standard of the 2010 level.
2012	Maintain current percent of parents indicating satisfaction at or above the standard of the 2010 level.

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FFY	Measurable and Rigorous Target
2010	Increase percent of Parent Survey Response Rate by 1%. Parent Response (57.46% + .57% = 58.03%) School Site Response (89.66% + .90% = 90.56%)
2011	Maintain current percent of Parent Survey Response Rate at or above the standard of the 2010 level.
2012	Maintain current percent of Parent Survey Response Rate at or above the standard of the 2010 level.

. **Improvement Activities/Timelines/Resources for SY 2010-2011:**

Activity	Timeline	Resources
Utilizing systemic data analysis of Local School Performance Plans, provide feedback to the schools about their improvement activities as they related to Indicator 8.	SY 2011-2011	DPA
Provide training to schools on the impact of parent participation in their child's IEP decision making process.	SY 2010-2011	WebEx trainings BIE Summer Institute Special Education Academy Consultants

Part B State Annual Performance Report (APR) for FFY 2009**Overview of the Annual Performance Report Development:****Monitoring Priority: Effective General Supervision Part B / Child Find**

Indicator 11: Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

- a. # of children for whom parental consent to evaluate was received.
- b. # of children whose evaluations were completed within 60 days (or State-established timeline).

Account for children included in a. but not included in b. Indicate the range of days beyond the timeline when the evaluation was completed and any reasons for the delays.

Percent = [(b) divided by (a)] times 100.

FFY	Measurable and Rigorous Target
<i>FFY 2009</i>	<i>100%</i>

Actual Target Data for FFY 2009: Children Evaluated Within 60 Days:

a. Number of children for whom parental consent to evaluate was received	376
b. Number of children whose evaluations were completed within 60 days	372
Percent of children with parental consent to evaluate, who were evaluated within 60 days	98.93%

BIE did not meet target but we are at 98.93%.

In order to obtain data for Indicator 11, DPA uses the data collected during the on-site monitoring during the school year 2009-2010 and compared the data with the Native American Student Information System (NASIS) for accuracy. BIE utilized this method to ensure that the data represented in this report is more accurate than in previous years. During SY 2009-2010, the data collection tool was revised to be more inclusive. The collection tool is an Access data based program; the tool contains one item subtest that captures data for this Indicator. DPA conducted training on the revised monitoring data collection tool with the compliance monitoring reviewers to ensure the data being collected would be congruent. The revised data collection tool also includes students that were referred and evaluated for special education services and determined not to be eligible.

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- ❖ *Please note that if the parent of a child repeatedly failed or refused to produce the child for the evaluation; or if a child enrolled in another school during the evaluation process, then the child was eliminated from both the numerator and the denominator.*

Ten children had their evaluation completed beyond 60 days from parental consent. The range beyond the 60 day timeline for the 10 children ranged from 5 -97 days. All of the children have been completed. Six of the students were not made available by the parent.

Three of the students were due contract/scheduling issues.

One of the students was due to teacher in an accident and others did not follow through.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

ACTIVITY	STATUS	IMPACT
Revise the Compliance Monitoring tool.	Tool revision completed in March 2010.	The revised tool allowed for accurate and reliable data to be collected for this indicator.
Provide training on the revised tool to the Special Education Compliance Monitors responsible for conducting the on-site special education file reviews and data collection.	Training was conducted in March 2010.	The training ensured that the revised compliance monitoring tool was used proper so the data collected was more accurate and reliable.
Special Education Monitors will conduct file reviews at each school utilizing the revised compliance monitoring tool.	Most of the schools had an on-site visit between March-June 2010, the remaining schools were visited in August 2010.	The data that was collected was more accurate and reliable because the monitors had experience in special education.
Special Education Monitors will conduct the compliance monitoring for SY 2009-2010 and will verify that the noncompliance findings identified in the SY 2008-2009 have been corrected and verified closed out.	Most of the schools had an on-site visit between March-June 2010, the remaining schools were visited in August 2010. All noncompliance findings for this indicator have been verified corrected.	The monitors were able to verify that the noncompliance findings were corrected in some schools. Some of the school's who had remaining noncompliance items were subsequently verified using a variety of sources. (fax, email, face to face visits etc.) T
Notify schools of the noncompliance findings and/or systemic findings identified in the SY 2009-2010 compliance data collection process. Notification of noncompliance and noncompliance in the Compliance Report will include their overall compliance rating for the files reviewed.	Level of Determination letter sent out to schools September 29, 2010.	Provided schools with a summary of findings that met the four criteria that identified their noncompliance and sent a template of the Corrective Action Plan to use.
Schools are required to submit a Corrective Action Plan (CAP) to show and/or demonstrate correction and close out noncompliance findings (e.g., FAPE with 45-days and non FAPE no later than one-year from date of written notification).	All CAP's were submitted but not within the timeline.	Schools developed and submitted a Correction Action Plan to the BIE that demonstrated how each student specific noncompliance will be corrected.

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The BIE/DPA has made significant progress in the number of initial referrals completed within the 60 day timeline since 2008-2009. In 2008-2009 there were 302 out of 482, 62.6% of initial evaluations completed within the timeline however in 2009-2010 there were 372 out of 383, 97% of initial evaluations completed within the timeline.

	FFY2008	FFY2009
a. Number of children for whom parental consent to evaluate was received	482	376
b. Number of children whose evaluations were completed within 60 days	302	372
Percent of children with parental consent to evaluate, who were evaluated within 60 days	62.6%	98.93%

Correction of FFY 2008 Findings of Noncompliance (if State reported less than 100% compliance):

Level of compliance (actual target data) State reported for FFY 2008 for this indicator:

The number of initial referrals reported for 2008-2009 was inaccurate because the data that was reported was the total number of files reviewed. The correct number of initial evaluations reported should have been 482 and not 3294. 3294 was the total number of files reviewed not the number of initial evaluations.

Of the 482 signed parent consent for initial evaluation, 302 were completed within the 60 day timeline. The accurate percentage in compliance is 62.6% for FFY 2008 and not the 92.89% that was reported on the 2008-2009 APR. Thus, 180 students had their evaluations completed after the 60-day timeline.

1. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009)	180
2. Number of FFY 2008 findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding)	146
3. Number of FFY 2008 findings <u>not</u> verified as corrected within one year [(1) minus (2)]	34

Correction of FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance):

4. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	34
5. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	34
6. Number of FFY 2008 findings <u>not</u> verified as corrected [(4) minus (5)]	0

Actions Taken if Noncompliance Not Corrected:

BIE could not determine the root causes of the noncompliance because of a lack of an adequate timeline tracking system and the instrument used to collect data did not address reasons in the findings during compliance monitoring. However, in the future BIE will provide guidance on Indicator 11 and Child Find activities so schools do not confuse the community activities with the 60 day timeline requirement. BIE is also currently developing a tracking system to correct non-compliance through a data base system. The BIE/DPA staff contacted schools who were not implementing the practice of completing the evaluation within the 60-day timeline these schools were called and asked to identify the reasons they are not implementing the practice. BIE provided technical assistance and guidance to Associate Deputy Directors (East, West, Navajo), Education Line Officers, School Principals, and special education school staff through ELO/Principal training, presentations, and conference calls. The school has been notified that they would be closely monitored the remainder of FFY 2010-2011.

Verification of Correction (either timely or subsequent):

Currently, most of the BIE funded schools are implementing the practice of completing the initial evaluation within the 60-day timeline. However there are 2 schools that are not implementing the correct procedure of completing initial evaluations within the 60-day timeline.

Correction of the FFY 2008 non-compliance (20 schools and 146 children) was verified and validated through NASIS and Individual Student Detail Report data. Each child is assigned a unique identification number. BIE/DPA staff was able to review all of the information pertaining to the individual child. The data includes date of parental consent, date of evaluation, reason for delay code, non-compliance codes, and the number of days it took the school to evaluate the child. Those 146 children in FFY 2008 whose initial evaluation exceeded the 60-day timeline have all been evaluated.

The remaining 34 students have all been evaluated. Through the use of the prong two procedure, the final review of the remaining schools on January 7, 2010, verified correction and found that the schools were correctly implementing the specific regulatory requirements. The next section describes the specific actions that DPA took to verify correction.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008:

The BIE verified each school's non-compliance findings correction for indicator 11 by doing the following:

- Step 1: reviewing the electronic data received as well as the data sheets collected during the on-site compliance monitoring visit during FFY 2009-2010.
- Step 2: DPA -- The examination of updated data determines whether a school had correctly previously identified noncompliance and was correctly implementing specific regulatory requirements. Examples of updated data include:
 - DPA compared SY 2008-2009 category Q, question Q0-1G which refers to Initial referrals and 2009-2010 category B, question B-12 which refers to the Initial referrals for 09-10 monitoring results.
 - Achieving 100 percent compliance.
 - A three-month review beginning September 1, 2010 to December 1, 2010 of all or a selection of subsequent student files to verify correction.

APR Template – Part B (4)

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Additional Information Required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State's Response
1. The BIE must demonstrate that it is in compliance with the timely initial evaluation requirements in 34 CFR	BIE has progressed from 62.6% in FFY 2008-2009 to 97.38% in 2009-2010 of the number of initial evaluations completed within the 60 day timeline.
2. The BIE must report on the status of correction of noncompliance reflected in the data the BIE reported for this indicator.	BIE made error in the reporting of the findings on Indicator 11 for FFY 2008. The correct number of initial evaluations reported should have been 482 and not 3294. 3294 was the total number of files reviewed not the number of initial evaluations. The correct information is 482 signed parent consent for initial evaluation. 302 were completed within the 60 day timeline. 180 were out of compliance. The percentage of compliance should have been 62.6% for FFY 2008 and not the 92.89 that was reported on the 2008-2009 APR. All schools are at 100% compliant as of January 7, 2010
3. The BIE must report that it has verified that each school with noncompliance reflected in the FFY 2008 data is correctly implemented and has completed the evaluation for all children	Out of the 180 students identified as non-compliant in FFY 2008, 178 met the target in FFY 2009. Two schools have not continued with the implementation of the practice. All students whose parents signed consent for initial evaluation in FFY 2008 have been evaluated. Ninety seven percent of children for whom a parent signed the consent for initial evaluation in FFY 2009 received a timely evaluation. Less than 5% missed the targeted 60-day timeline.
4. The BIE must describe the specific actions that were taken to verify the correction.	<p>Step 1: The BIE reviewed electronic data received and compared data represented in student detail sheets collected during the on-site compliance monitoring visit.</p> <p>Step 2: DPA -The examination of updated data determines whether a school had correctly previously identified noncompliance and was correctly implementing specific regulatory requirements. Examples of updated data include:</p> <p>DPA compared SY 2008-2009 category Q, question QO1G which refers to Initial referrals and 2009-2010 category B, question B-12 which refers to Initial referrals for 09-10 monitoring results.</p>

APR Template – Part B (4)

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5. BIE must review its improvement activities and improve them if needed.	BIE made significant progress in number of initial evaluations completed in a timely manner in FFY 2009. BIE will continue to revise the monitoring tool to capture the most accurate data.
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Revisions with Justification to Proposed Targets / Improvement Activities / Timelines / Resources for 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
Disseminate information to Education Line Offices and Schools on implementing a backup plan if a lapse for contract services for an evaluator/school psychologist should occur.	February 2011	BIE/DPA Staff ELO Staff
Provide training to schools and line offices on Indicator 11 through: <ul style="list-style-type: none"> • Special Education Webinar Training • Special Education Academy • Summer Institute 	Ongoing activity Throughout the year	BIE/DPA Staff Consultants
Conduct desk audit activities on schools that were found to be out of compliance the previous year.	July 1, 2010 – June 30, 2011	BIE/DPA Staff NASIS

Part B State Performance Plan (SPP) for 2005-2012

Overview of the State Performance Plan Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 13:

Percent of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority.

(20 U.S.C. 1416(a)(3)(B))

<p>Measurement: Percent = [(# of youth with IEPs aged 16 and above with an IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition services needs. There also must be evidence that the student was invited to the IEP Team meeting where transition services are to be discussed and evidence that, if appropriate, a representative of any participating agency was invited to the IEP Team meeting with the prior consent of the parent or student who has reached the age of majority) divided by the (# of youth with an IEP age 16 and above)] times 100.</p>

Overview of Issue/Description of System or Process:

The BIE has 60 schools that have high school programs. There are occasionally students who turn 16 before completing 8th grade and when this occurs these numbers will also be reported. The IEPs are now available for review in then NASIS and state level staff is able to look from their desks at each student's IEP. This will make the monitoring of this activity.

Baseline Data from FFY ____2009____ :

While BIE has used FFY 2008 for baseline data for other indicators this data was not reported in the FFY 2008 APR and therefore BIE will use FFY 2009 data.

Files Reviewed	# 100% Compliance	% Compliance
585	346	59.14%

Discussion of Baseline Data:

The BIE is reporting a 59% compliance rate with this indicator based on student IEPs. During SY 2009-2010, the BIE conducted compliance monitoring through site visits to all 174 schools, including the 60 schools with high school programs. A percentage of files were reviewed based on the population of SWD. The monitoring tool had 64 items, including the 8 Indicator 13 requirements. A total of 585 files were reviewed for those students aged 16 and above. Of those 585, 346 were found to be in 100% compliance for a compliance percentage of 59%. The BIE did not meet the target of 100% compliance.

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The 585 files reviewed were from 62 schools, 38 schools comprise the 346 files that were compliant in all areas of the Indicator 13 requirements while 24 schools (239 files) were found to be non compliant in at least one area. When looked at by school 61.29% schools were 100% compliant with this indicator.

2009 (2009-2010)	100%
2010 (2010-2011)	100%
2011 (2011-2012)	100%
2012 (2012-2013)	100%

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable):

1. Number of remaining FFY 2007 findings noted in OSEP's June 2010 FFY 2008 APR response table for this indicator	1
2. Number of remaining FFY 2007 findings the State has verified as corrected	1
3. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

Verification of Correction of Remaining FFY 2007 findings:

The one high school with the remaining finding is the same school referenced below from FFY 2006.

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2007:

(The following is extracted from the Program Improvement Accountability Plan (PIAP) fourth quarter report submitted to the DOE from the BIE on July 30, 2010 for the period ending June 30, 2010, addressing the non-compliances from FFY 2006 and 2007)

As reported in the FFY 2008 APR, page 65, Indicator 13, there remained 8 non compliances from FFY 2006 that the BIE was unable to verify as corrected at the time of the APR submission. The 8 non compliances were all from one high school. The BIE conducted a site visit February 18 and 19, 2010, to verify correction but, instead, had to schedule another visit March 3 - 5, 2010, in order to complete file reviews on all 66 files as numerous additional violations of non-compliance were identified during the initial two day visit. At the exit meeting March 5, the DPA met with the principal and the Education Line Officer. The results were reviewed by the DPA stressing the urgency of the situation. The first step was the principal making a personnel move, assigning another person to the position of Lead teacher for the special education department. The school was issued an official report on March 23, 2010, and provided resources necessary to bring the school into compliance. The school contracted out for technical assistance and professional development.

APR Template – Part B (4)

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Below is the chronology for the activities that have been completed as submitted by the contractor:

3-24-10: Conducted transition plans review report for every high school student. Each special education teacher and staff was interviewed to evaluate protocols for transition assessments, planning, and curriculum regarding IEP transition plans. In the afternoon, I conducted a half-day training for the special education staff and Principal on the areas of transition law, student-centered planning, Indicator 13, dropout, student engagement, and how to involve students in the transition planning process.

4-7-10: Conducted Elk Net drafting session with special education staff at MFHS for each high school students' transition plan for compliance, which lasted 4 hours.

5-2-10: Conducted teleconference with Principal and Special Education Coordinator regarding the Summary of Performance.

5-13-10: Full-day of IEP/transition plan drafting with the special education teachers.

5-21-10: Full-day teleconference to finalize transition planning questions and summary of performances.

6-2-10: Half-day drafting of the summary of performances for the high school students. I provided training to the special education coordinator about the best-practice for completing the summary of performance within the program development for upcoming school year.

8-02-10: Training scheduled for the entire school staff on the following topics:

- Special education inclusion legal issues
- Co-teaching models
- Accommodations and modifications in general education setting
- IEP process and teacher roles (general education and special education)
- Differentiated instruction with explanation of various methodologies of pedagogy.

The school submitted an update to the BIE on July 21, 2010, on the status of their non-compliances. Upon further review and analysis, the 66 files have been reduced to 63. The first file was a student who did not qualify and otherwise no non compliances noted; the second and third files also had no non compliances noted. The status of the remaining 63 files is as follows:

- 4 students are counted as exits; 2 dropped out, 1 is incarcerated as an adult, 1 deceased,
- 40 student files have been corrected,
- 19 student files have been partially corrected. The school has indicated all corrections will be made ASAP through the required meetings immediately after school begins August 9, 2010.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable):

(The following is extracted from the PIAP first quarter report submitted to the Department of Education from the BIE on October 29, 2010, addressing the non-compliances from FFY 2006 and 2007)

The BIE conducted a follow up site visit September 21-22, 2010, to verify the correction of any remaining non compliances to date and to review the files of those new students transferring in to the school.

- Of the 19, 2 students are no longer within the jurisdiction of the school.
- The school did not correct one file which resulted in one finding of non-compliance for SY 09-10 in the area of behavior. However, the school is correctly implementing the specific regulatory requirements by addressing the behavior incidents of other students. The one student in question subsequently withdrew himself from school and indicated he would be attending another school nearby.
- The remaining 16 files were verified corrected.
- There were 19 new students; files were reviewed to ensure the school had acted to accept the IEP and/or schedule meetings to do so. All files met compliance.

Additional Information Required by the OSEP APR Response Table for this Indicator:

Statement from the Response Table	State's Response
The BIE must demonstrate, in the FFY 2009 APR, that the remaining uncorrected Non-compliance finding identified in FFY 2007 was corrected. When reporting on the correction of noncompliance, the BIE must report in its FFY 2009 APR, that it has verified that the school with remaining noncompliance identified in FFY 2007: (1) is correctly implementing 34 CFR §300.320(b) (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and 2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the BIE must describe the specific actions that were taken to verify the correction.	See above
The BIE must demonstrate in the FFY 2009 APR that the remaining uncorrected Non-compliance finding identified in FFY 2006 was corrected.	See above

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services	Throughout the school year on a monthly basis	DPA Outside contractors on occasion
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall and spring of each year	DPA Schools
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Throughout the school year	DPA

APR Template – Part B (4)

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ACTIVITY	TIMELINE	RESOURCE
4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Ongoing as the need arises Annually	Infinite Campus BIE NASIS Support Personnel DPA
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	September of each year	DPA Outside contractor(s)
6. Regional work sessions with schools on AYP calculation and data analysis.	July – September of each year	DPA Data unit
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013	BIE STAT team. Intensive technical assistance – National Dropout Prevention Center for Students with Disabilities.

Part B State Performance Plan (SPP) for 2005-2012

Overview of the State Performance Plan Development:

Monitoring Priority: Effective General Supervision Part B / Effective Transition

Indicator 14: Percent of youth who are no longer in secondary school, had IEPs in effect at the time they left school, and were:

- A. Enrolled in higher education within one year of leaving high school.
- B. Enrolled in higher education or competitively employed within one year of leaving high school.
- C. Enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.

(20 U.S.C. 1416(a)(3)(B))

Measurement: Percent enrolled in higher education = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

B. Percent enrolled in higher education or competitively employed within one year of leaving high school = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education or competitively employed within one year of leaving high school) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

C. Percent enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment = [(# of youth who are no longer in secondary school, had IEPs in effect at the time they left school and were enrolled in higher education, or in some other postsecondary education or training program; or competitively employed or in some other employment) divided by the (# of respondent youth who are no longer in secondary school and had IEPs in effect at the time they left school)] times 100.

Overview of Issue/Description of System or Process:

In July 2010, the 60 high schools in the BIE were instructed to begin data collection on the 2008-2009 leavers using a survey monkey tool. The schools were informed of how to access additional guidance from the National Post School Outcomes Center, the *Frequently Asked Questions* document. The deadline to submit the data was September 30, 2010. 55 high schools submitted complete data while 5 schools did not. The schools reported a total of 314 respondents who consisted of 196 males and 118 females.

As per the Part B Measurement Table, definitions are as follows:

Enrolled in higher education as used in measures A, B and C means youth have been enrolled on a full- or part-time basis in a community college (two year program) or college/university (four or more year program) for at least one complete term, at any time in the year since leaving high school.

APR Template – Part B (4)

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Competitive employment as used in measures B and C means that youth have worked for pay at or above the minimum wage in a setting with others who are nondisabled for a period of 20 hours a week for at least 90 days at any time in the year since leaving high school. This includes military employment.

Enrolled in other postsecondary education or training as used in measure C, means youth have been enrolled on a full- or part-time basis for at least 1 complete term at any time in the year since leaving high school in an education or training program (e.g., Job Corps, adult education, workforce development program, vocational technical school which is less than a two year program).

Some other employment as used in measure C means youth have worked for pay or been self-employed for a period of at least 90 days at any time in the year since leaving high school. This includes working in a family business (e.g., farm, store, fishing, ranching, catering services, etc.).

Baseline Data for FFY2009 (2009-2010):

Display 14-1: Number and Percent of Exiters Engaged in Employment and/or Education

Category	Number	Percent
Interviewed Exiters	314	100.0%
Measurement A: Percent of youth enrolled in higher education within one year of leaving high school;	79	25.2%
Measurement B: Measurement A plus percent of youth competitively employed within one year of leaving high school	147	46.8%
Measurement C: Measurement B plus percent of youth enrolled in any other type of post-secondary education/training or employed in any other type of employment	228	72.6%

Display 14-2: Number and Percent of Exiters in each of Three Categories

Category	Number	Percent
1. Enrolled in higher education as defined in measure A	79	25.2%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	68	21.7%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.) or engaged in some other employment as defined in measure C (but not in 1. or 2.)	81	25.8%
Not in any of the above three categories	86	27.4%
Total	314	100.0%

Discussion of Baseline Data:

There were 86 exiters of the 314 that indicated that they had not participated in any post-secondary education or employment activities. However, this is somewhat misleading given that some of these students returned to high school in 2009-10. For the 2011 data collection, the BIE plans to add this category for internal information and to emphasize the fact that many of our students take more than 4 years to complete high school.

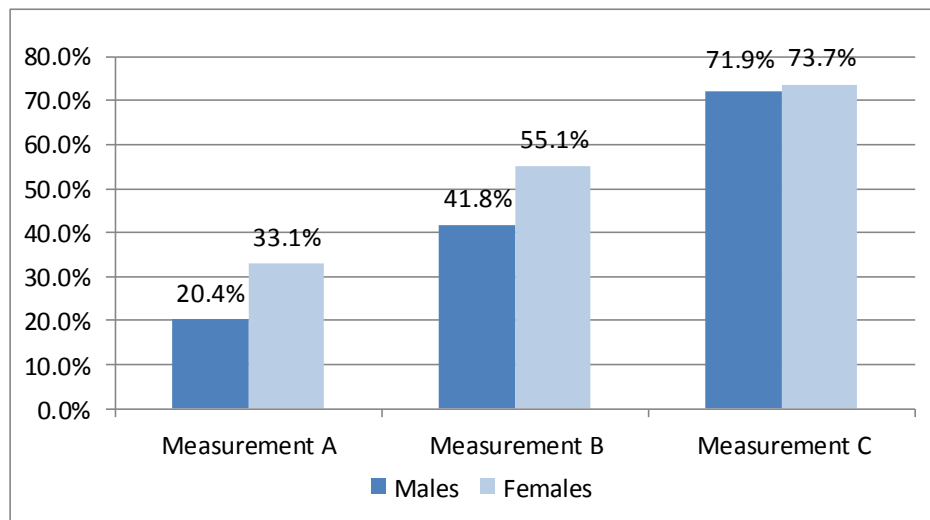
Results were analyzed by gender to determine if any systematic differences existed between males and females. As Displays 14-3 and 14-4 show, females were more likely than males to be enrolled in higher education. Males were more likely than females to be enrolled in some “other” type of post-secondary education and some “other” type employment. As such the percent meeting the overall indicator (Measurement C) is very similar for males and females; however, the way in which they meet the overall indicator varies.

This data will be shared with the high schools to encourage a discussion of why these differences exist and what strategies can be carried out to increase males’ enrollment in higher education.

Display 14-3: Percent of Exiters in each of Three Categories, By Gender

Category	Males	Females
1. Enrolled in higher education as defined in measure A	20.4%	33.1%
2. Engaged in Competitive employment as defined in measure B (but not in 1.)	21.4%	22.0%
3. Enrolled in other postsecondary education or training as defined in measure C (but not in 1. or 2.) or engaged in some other employment as defined in measure C (but not in 1. or 2.)	30.1%	18.6%
Not in any of the above three categories	28.1%	26.3%
Total	100.0%	100.0%

Display 14-4: Percent of Exiters Engaged in Employment and/or Education, By Gender



APR Template – Part B (4)

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Measurable and Rigorous Targets:

2010 (2010-2011)	<p>14A: By 2011, 25.2% of youth with IEPs and are no longer in secondary school will be enrolled in higher education within one year of leaving high school.</p> <p>14B: By 2011, 46.8% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>14C: By 2011, 72.6% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>
2011 (2011-2012)	<p>14A: By 2012, 25.5% of youth with IEPs and are no longer in secondary school will be enrolled in higher education within one year of leaving high school.</p> <p>14B: By 2012, 47.1% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>14C: By 2012, 72.9% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>
2012 (2012-2013)	<p>14A: By 2013, 26.0% of youth with IEPs and are no longer in secondary school will be enrolled in higher education within one year of leaving high school.</p> <p>14B: By 2013, 47.5% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or competitively employed within one year of leaving high school.</p> <p>14C: By 2013, 73.5% of youth with IEPs and are no longer in secondary school will be enrolled in higher education or in some other postsecondary education or training program; or competitively employed or in some other employment within one year of leaving high school.</p>

Improvement Activities/Timelines/Resources for SY 2010-2013:

ACTIVITY	TIMELINE	RESOURCE
1. WebEx training to all the schools is offered throughout the school year on special education topics including secondary transition services.	Throughout the school year on a monthly basis	DPA Outside consultants on occasion
2. The Secondary Transition Newsletter will be distributed to all schools showcasing successful programs and providing information on resources and best practices.	Distributed fall and spring of each year	DPA Schools
3. Desk audit file reviews of IEPs for those students 16 years old and older will be conducted using the NASIS special education module; targeted technical assistance to specific schools may result from this process.	Throughout the school year	DPA

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4. On-going technical assistance in transition requirements provided to schools in the use of the special education module in NASIS. Regularly scheduled trainings on updates and the use of the special education module in NASIS.	Ongoing as the need arises Annually	Infinite Campus BIE NASIS Support Personnel DPA
5. National Annual Special Education Academy for all schools on a variety of topics as determined by annual data reviews/analysis.	Fall of each year	DPA Outside consultant(s)
6. Regional work sessions with schools on AYP calculation and data analysis.	July – September of each year	DPA Data unit
7. Design and implement effective dropout prevention and graduation models and practices.	January 2011 through December 2013	BIE STAT team. Intensive technical assistance – National Dropout Prevention Center for Students with Disabilities.

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Part B State Annual Performance Report (APR) for FFY 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 15: General supervision system (including monitoring, complaints, hearings, etc.) identifies and corrects noncompliance as soon as possible but in no case later than one year from identification.

(20 U.S.C. 1416 (a)(3)(B))

Measurement:

Percent of noncompliance corrected within one year of identification:

- a. # of findings of noncompliance.
- b. # of corrections completed as soon as possible but in no case later than one year from identification.

Percent = [(b) divided by (a)] times 100.

States are required to use the “Indicator 15 Worksheet” to report data for this indicator

(see Attachment A).

FFY	Measurable and Rigorous Target
FFY 2009	100%

Actual Target Data for FFY 2009:

	FFY 2009 Identified 2008-2009 corrected within one-year
# of total findings	231
# corrected within one-year	134
% correction of noncompliance	58.01%

The BIE did not meet the target.

Describe the process for selecting LEAs for Monitoring:

All 173 BIE-funded schools (57 BIE-Operated and 116 Tribally Controlled Schools) with an academic program in 23 states received an on-site compliance monitoring of their special education program during the spring of 2010 by BIE special education staff and line office staff. The purpose of the monitoring was to (1) conduct student special education file reviews, (2) identify any noncompliance, (4) provide guidance to the school in developing a corrective action plan to correct any noncompliance as soon as possible and

APR Template – Part B (4)

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no later than one-year from written notification, and (4) verify correction of noncompliance identified during SY 2008-2009.

An entrance/exit form and student review sheets were provided to the school to assist them in developing a corrective action plan and begin correcting the noncompliance as soon as possible and no later than one-year from identification.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that Occurred for FFY 2009:

The BIE is redefining its monitoring process that will make it more effective in correcting noncompliance in a timely manner. The process is a work in progress. The improvement activities for self-assessment, compliance monitoring, and SEIMP that were developed in FFY 2008 are no longer applicable and were not implemented as noted below.

ACTIVITY	STATUS	IMPACT STATEMENT
Self-Assessment Improvement Activities	Not implemented.	The monitoring process is being redefined. Self-Assessment no longer applicable.
Compliance Monitoring Improvement Activities	Ongoing	The monitoring process is being redefined. The Special Education Integrated Monitoring Process (SEIMP) manual is in progress. BIE will conduct a pilot and training.
SEIMP Improvement Activities	Ongoing	Same as above.

In SY 2008-2009, the BIE reported data for this indicator was 93.36% (from the OSEP FFY 2008 SPP/APR Response Table). The noncompliance data being reported for SY 2009-2010 is 58.01%. This shows slippage as presented in the table below.

	FFY 2008 Identified 2007-2008 corrected within one-year	FFY 2009 Identified 2008-2009 corrected within one-year
# of total findings	211	231
# corrected within one-year	197	134
% correction of noncompliance	93.36%	58.01%

The findings identified during FFY 2008 (SY 2008-2009) were defined in a systemic manner. The slippage can be attributed to the following:

- The BIE is redefining its compliance monitoring process to make it more effective in working with schools to address noncompliance and correction in a timely manner and therefore provide improved services to students with disabilities. The OSEP 09-02 memo and OSEP Verification Visit findings of 2009 provide guidance in redesigning our monitoring process.
- Schools are correcting noncompliance but having difficulty correctly implementing the practice.

State

- The BIEs verification of correction (prong 2) occurred after the one-year timeline. The verification is now done within one-year from written notification. The written notification is also now one date instead of numerous dates which resulted in varying one-year timelines.
- The BIE is continuing to provide guidance and expectations to the Education Line Offices and their schools that student-specific noncompliance must be corrected as soon as possible and no later than one-year from identification.
- The BIE is continuing to create a data base system that will track the correction of noncompliance.
- OSEP provided clarification and guidance on the verification of correction (prong 1 and 2) in August 2010 at the Mega Conference. This resulted in emphasis on the two prongs for verification of correction.
- The BIE is continuing to refine its sanctions and enforcement actions against the schools for not correctly implementing the specific regulatory requirements. Due to legally defined relationships, certain sanctions/enforcement actions that are available to State school systems are not available within the BIE.

Although there has been slippage, the BIE continues to make progress and will continue to make progress in achieving the 100% target. The additional guidance and clarification provided by OSEP in August 2010 at the Mega Conference and subsequent TA webinars/conference calls will help the BIE strengthen the identification, correction, verification, and improvement activities process now and in the future.

Valid and Reliable Data

The BIE/DPA is continuing to make significant gains in ensuring valid and reliable data for this indicator.

- **Monitoring Process**—the BIE is continuing to redefine its monitoring system and the OSEP 09-02 memo is helping provide clarification in this redesign so schools can correct noncompliance in a timely manner, the BIE can provide the necessary verification of correction of noncompliance, and also provide valid, accurate, and reliable data.
- **Data collection**—The BIEs compliance monitoring data collection tool has allowed for improved identification, tracking, and verification of individual cases and systemic noncompliance. The reviewers had knowledge and experience in special education programs and processes.
- **Tracking Correction of Noncompliance**—an electronic data base continues to be developed that will track the correction of student-specific and systemic noncompliance. The database, when implemented, will also serve as a monitoring tool capable of tracking other findings (e.g., fiscal accountability self-assessment, due process, etc.) and help in determining a school's compliance with IDEA throughout the school year.
- **Identification of root causes**—Technical assistance provided by the Data Accountability Center will help the BIE/DPA identify, analyze, and improve processes and systems before they break down by improving and using data collection to dissolve problems.
- **Training**—The BIE Advisory Board for Exceptional Children has identified data as one of its priorities for 2010. One of the activities is to identify the need for basic and more advanced/proficient use of NASIS training for school staff. Training continues for school staff relative to electronic special education forms including the IEP and how to enter data in real time.
- **NASIS Special Education forms and IEP documents**—All BIE-funded schools are required to use the NASIS special education system as of February 9, 2009. Recommendations from the schools are forwarded to Infinite Campus, the designers of the data information system.
- **Review of compliance monitoring data** (e.g., school aggregate reports, monitoring item descriptions, corrective action plans, etc.) to ensure that FFY 2009 is accurate.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)

State

- A finding was defined during SY 2009-2010. It is systemic and not child-specific. Although findings are in larger categories, the subparts have to be corrected at 100% within one-year of identification.
- BIE Advisory Board for Exceptional Children priority—The BIE Advisory Board for Exceptional Children identified data as one of its priorities in 2010 to improve collection, analysis, and reporting of data. Some of the activities identified included basic and advance NASIS training for school staff, ongoing NASIS training, increase use of the analytical tool via the data accountability center available online at www.ideadata.org, and making the data management tool more accessible to schools and BIE special education staff.

Note: For this indicator, report data on the correction of findings of noncompliance the State made during FFY 2008 (July 1, 2008 through June 30, 2009) and verified as corrected as soon as possible and in no case later than one year from identification.

Timely Correction of FFY 2008 Findings of Noncompliance (corrected within one year from identification of the noncompliance):

7. Number of findings of noncompliance the State made during FFY 2008 (the period from July 1, 2008 through June 30, 2009) (Sum of Column a on the Indicator B15 Worksheet)	231
8. Number of findings the State verified as timely corrected (corrected within one year from the date of notification to the LEA of the finding) (Sum of Column b on the Indicator B15 Worksheet)	134
9. Number of findings <u>not</u> verified as corrected within one year [(1) minus (2)]	97

FFY 2008 Findings of Noncompliance Not Timely Corrected (corrected more than one year from identification of the noncompliance and/or Not Corrected):

10. Number of FFY 2008 findings not timely corrected (same as the number from (3) above)	97
11. Number of FFY 2008 findings the State has verified as corrected beyond the one-year timeline ("subsequent correction")	67
12. Number of FFY 2008 findings <u>not</u> yet verified as corrected [(4) minus (5)]	30

BIE Operated Schools: 14
Tribally Controlled Schools: 20

Note: The 231 findings reported for SY 2008-2009 were from 138 schools. The 30 findings listed in #6 above represent 30 schools from the 34 schools with continued noncompliance. The B-11 and B-13 numbers were exported from the 34 schools' categorical findings under monitoring activities on the B-15 worksheet. 4 of the 34 schools continue to be identified with findings of noncompliance in only the categorical area of transition services (B-13). 30 schools continue to have noncompliance in other categorical areas other than B-11 and B-13.

Actions Taken if Noncompliance Not Corrected

Following the conclusion of the SY 2008-2009 compliance monitoring, 35 schools (20.23%) had no findings of noncompliance and 138 schools (79.76%) had findings of noncompliance. Each of the 138 schools was provided a written notification of finding on-site, compliance monitoring results, and an entrance/exit meeting form. The schools were instructed to develop and submit to the BIE a corrective action plan that demonstrated how each student-specific noncompliance will be corrected as soon as possible and no later than one-year from identification. As of June 10, 2010, 68 of 138 schools (49.27%) had not submitted a corrective action plan. To address correction, the BIE took the following actions:

1. Two deadlines were set: September 20, 2010 to develop and submit a corrective action plan to BIE and November 30, 2010 to correct each individual case of noncompliance at 100%.
2. The Educational Line Officers for the schools were notified and ongoing communication established.
3. The schools were provided a pre-filled CAP form.
4. BIE special education staff were assigned specific line offices to contact the schools and provide technical assistance.
5. A presentation on correcting noncompliance was presented to Education Line Officers and Associate Deputy Directors (East, West, and Navajo) in July 2010.
6. Individual school guidance on correction of noncompliance was provided to Navajo schools who attended the Navajo North Central Association Fall Conference in Flagstaff, AZ, October 4-5, 2010.
7. Presentation on correction of noncompliance to Navajo schools who attended the Navajo North Central Association Fall Conference in Flagstaff, AZ, October 5, 2010.
8. Ongoing guidance and technical assistance to schools in the development of a CAP for SY 2008-2009.
9. For those schools that did not submit a CAP by September 20, 2010, additional timelines were set:
 - October 13, 2010—to develop and submit a CAP to BIE.
 - November 30, 2010—to correct all student-specific noncompliance.

The primary enforcement was ongoing and intensive technical assistance which resulted in all schools submitting a corrective action plan by October 15, 2010. After the CAPs were submitted, the BIE reviewed each school's updated data (July 1, 2010 through December 1, 2010) which resulted in 34 schools (20 tribally controlled and 14 BIE-operated) that are not correctly implementing the specific regulatory requirements. Therefore, the BIE cannot verify correction. The following enforcement actions will be taken against the 34 schools:

1. Intensive Technical Assistance—to be provided during Spring 2011
 - a. A webinar on enforcement actions for not correcting noncompliance.
 - b. A webinar on root cause analysis.
 - c. A webinar on specific data analysis (e.g., specific categorical findings)
These webinars are mandatory for BIE-Operated schools and voluntary for tribally controlled schools. Tribally controlled schools will be provided a 30-day notice.

The BIE will continue to monitor the progress of each school and ensure that they are correctly implementing the practice based on reviews of updated data. If the BIE cannot verify correction of noncompliance, additional enforcement action against the school may include:

1. Notification to the BIE Director, BIE School Operations, Associate Deputy Directors, Education Line Officers, Tribal Education Departments, Solicitor of the continuing status of their respective school's non compliance in correctly implementing the specific regulatory requirements.

2. For a tribally controlled school, the tribal education department will be notified that Free and Appropriate Public Education (FAPE) is not being provided to students.
3. Fiscal sanctions with funding contingent on certain factors/criteria.

Verification of Correction for findings of noncompliance reported in the FFY 2009 APR (either timely or subsequent):

During the 2008-2009 compliance monitoring, the written notification date of non compliance identified varied because each reviewer left the written notification at the time of the review (beginning March 2009 through July 2009). This resulted in staggered start dates for correction of non compliance. The verification of correction during 2009-2010 often occurred beyond that one year notification date. Therefore, 67 non compliances were not timely corrected after the conclusion of the one-year timeline but were subsequently verified corrected (met both prongs).

When the school reported on their corrective action plan that they made the required student-specific correction of noncompliance (timely or subsequent) by November 30, 2010, they provided the BIE a copy of their CAP. The BIE reviewed and verified correction of noncompliance consistent with the OSEP 09-02 memo as follows:

1. Each of the 138 schools CAP was reviewed and verified to ensure that each individual case of noncompliance identified was corrected at 100% (categories and subparts). The school principal signed and dated each CAP verifying correction. For those student-specific items that were not addressed, the schools were required to amend their CAP and resubmit to the BIE. The schools maintained the documentation in the student's IEP file.
2. To ensure that the school was correctly implementing the specific regulatory requirements based on updated data, the BIE reviewed each school's updated data from July 1, 2010 to November 31, 2010 by conducting desk audits after December 1, 2010 in the BIE offices from the Native American Student Information System (NASIS) database. The BIE's examination of the school's updated data was conducted as follows so that it can provide a high degree of confidence and flexibility that those student files would be corrected:
 - a. For schools with less than 50 students with disabilities, at least three current student files (IEPs, enrollment, settings, etc.) were examined.
 - b. For schools with more than 50 students with disabilities, at least five current student files (IEPs, enrollment, settings, etc.) were examined.

Note: Correction of noncompliance is not required for students that have exited, transferred, or graduated from the school. The school, however, is still responsible for ensuring that they're implementing the specific regulatory requirements for new students.

This examination of updated files helped the BIE determine whether the school had corrected previously identified noncompliance at 100% and was correctly implementing the specific regulatory requirements (the practice). As a result of BIE's verification of correction (prong 1 and 2), the BIE has concluded that 104 of 138 schools (75.36%) have met both prongs of correction (timely and subsequently) in correcting each individual case of noncompliance and are correctly implementing the specific regulatory requirements and 34 of 138 schools' (24.63%) correction of noncompliance cannot be verified.

If a school has not corrected the noncompliance or is not implementing the specific regulatory requirements (the practice), the BIE provides intensive technical assistance and monitors the progress of the school through NASIS desk audits in correcting the noncompliance.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)

State

Describe the specific actions that the State took to verify the correction of findings of noncompliance identified in FFY 2008 (including any revisions to general supervision procedures, technical assistance provided and/or any enforcement actions that were taken):

In accordance with the OSEP 09-02 memo, the BIE has taken the following actions in verifying correction:

1. The BIE special education staff has received NASIS (state edition) training and now has “read-only” rights to conduct desk audit for examining a school’s updated data to verify correction of noncompliance and correct implementation of specific regulatory requirements.
2. The BIE examines other updated data including a comparison of compliance monitoring results (categories and sub items) from SY 2008-2009 and SY 2009-2010 to ensure that the regulatory practice has been correctly implemented by the school.
3. The BIE will now examine data base (618) which is collected through NASIS at least once per year at a specific date.
4. If a school has not corrected noncompliance, the primary enforcement is intensive technical assistance. Other enforcement may include notification of BIE Director, Associate Deputy Directors, Education Line Officers, and tribal education departments (for tribally controlled school), and fiscal sanction—funding could be contingent upon specific criteria. Tribal education departments could be notified that FAPE is not being provided by a tribally controlled school.
5. The monitoring process is being redefined and a draft manual is currently in development.
6. The BIE is following up on OSEP’s recommendation from the November 2009 Verification visit including development of a well-designed general supervision system, correction of noncompliance, data systems, and fiscal accountability.

Correction of Remaining FFY 2007 Findings of Noncompliance (if applicable)

As reported in the FFY 2008 APR, there were 14 noncompliance findings. This was reported in error due to a math error. The correct number is 13.

51,

- Many Farms High School—all files verified corrected.
- Rocky Ridge Boarding School—the BIE worked with the school principal, teacher, and Cooperative Agreement Unit (CAU) special education coordinator to correct the 12 files that were found to be noncompliant during the May 6, 2010 compliance monitoring visit. As of September 30, 2010, all files have been verified corrected by the BIE through documentation submitted by the school. During SY 2010-2011, the BIE will conduct desk audit to review the electronic IEPs and improve the technical assistance and guidance necessary for schools to remain in compliance.
- Havasupai Elementary School—Noncompliance findings for the SY 2007-2008 have been corrected and closed out.

If the State reported <100% for this indicator in its FFY 2008 APR and did not report that the remaining FFY 2007 findings were subsequently corrected, provide the information below:

4. Number of remaining FFY 2007 findings noted in OSEP’s June 2010 FFY 2008 APR response table for this indicator	13
5. Number of remaining FFY 2007 findings the State has verified as corrected	13
6. Number of remaining FFY 2007 findings the State has NOT verified as corrected [(1) minus (2)]	0

APR Template – Part B (4)

_Bureau of Indian Education (BIE)

State

There was an addition error reported in the FFY 2008 APR. The correct number should have been 13 instead of 14.

Correction of Any Remaining Findings of Noncompliance from FFY 2006 or Earlier (if applicable)

Provide information regarding correction using the same table format provided above for findings reported in the FFY 2007 APR.

As reported in the FFY 2008 APR, page 65, Indicator 13, there remained 8 non compliances that the BIE was unable to verify as corrected at the time of the APR submission. The 8 non compliances were all from one high school. The BIE worked with the school throughout the summer and met with the lead teacher for specification to verify the corrections of the files. The fourth quarter PIAP reported the status of the remaining 19 student files. Nineteen student files have been partially corrected. The school has indicated all corrections will be made as soon as possible through the required meetings immediately after school begins August 9, 2010.

(The following is extracted from the PIAP first quarter report submitted to the U. S. Department of Education from the BIE on October 29, 2010, addressing the non compliances from FFY 2006 and 2007).

The BIE conducted a follow-up site visit September 21-22, 2010 to verify the correction of any remaining non compliances to date and to review the files of those new students transferring in to the school.

- Of the 19, two no longer attend the school.
- The school did not correct one file which resulted in one findings of noncompliance for SY 2009-2010 in the area of behavior. However, the school is correctly implementing the specific regulatory requirements by addressing the behavior incidents of other students. The one student in question subsequently withdrew himself from school and indicated he would be attending another school nearby.
- The remaining 16 files were verified corrected.
- There were 19 new students; files were reviewed to ensure the school had acted to accept the IEP and/or schedule meetings to do so. All files met compliance.

Additional Information Required by the OSEP APR Response Table for this Indicator (if applicable):

Statement from the Response Table	State's Response
The BIE must demonstrate, in the FFY 2009 APR, that the remaining 14 findings of noncompliance identified in FFY 2007 and the remaining eight findings of noncompliance identified in FFY 2006 that were not reported as corrected in the FFY 2008 APR were corrected.	<p>FFY 2007—the 14 findings were reported in error due to a math error. The correct number is 13 and they have been corrected as reported in the PIAP first quarter report.</p> <p>FFY 2006—the 8 findings have been corrected as reported in the PIAP first quarter report.</p> <p>The verification of correction was conducted by the BIE/DPA.</p>

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Statement from the Response Table	State's Response
The BIE must review its improvement activities and revise them, if appropriate, to ensure they will enable the BIE to provide data in the FFY 2009 APR, demonstrating that the BIE timely corrected noncompliance identified by the BIE in FFY 2008 in accordance with 20 U.S.C. 1232d(b)(3)(E), 34 CFR §§300.149 and 300.600(e) and OSEP Memo 09-02.	The improvement activities in the FFY 2008 APR were not applicable and not implemented as the BIE is working on redefining its monitoring process to include State Performance Plan and Annual Performance Report, Effective Policy and Procedures, Monitoring activities—correction, improvement, and enhancement, and effective dispute resolution. The improvement activities have been revised for the APR 2009.
In reporting on the correction of noncompliance in the FFY 2009 APR, the BIE must report that it verified that each school with noncompliance identified in FFY 2008: (1) is correctly implementing the specific regulatory requirements (i.e., achieved 100% compliance) based on a review of updated data such as data subsequently collected through on-site monitoring or a BIE data system; and (2) has corrected each individual case of noncompliance, unless the child is no longer within the jurisdiction of the school, consistent with OSEP Memo 09-02. In the FFY 2009 APR, the BIE must describe the specific actions that were taken to verify the correction. In addition, in reporting on Indicator 15 in the FFY 2009 APR, the BIE must use the Indicator 15 Worksheet.	As a result of the BIEs verification of correction (through NASIS desk audits) consistent with the OSEP 09-02 memo: <ol style="list-style-type: none"> 1. 104 of 138 (75.36%) schools have met both prongs of correction (timely and subsequent). 2. 34 of 138 (24.63%) of schools correction of noncompliance cannot be verified.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for FFY 2010 (if applicable):

The BIE is taking significant steps to revise its monitoring system to make the process more effective in working with BIE-funded schools to address noncompliance in a timely manner and therefore provide better services to students with disabilities. The Special Education Integrated Monitoring Process (SEIMP) is a work in progress and will include the following components:

1. State Performance Plan and Annual Performance Report
2. Effective Policy and Procedures
3. Monitoring Activities—correction, improvement, and enhancement.
4. Effective Dispute Resolution

Data collection, data analysis, improvement and sustained practices, and targeted technical assistance and professional development are the processes that will intersect with each of the four components. A draft copy of the SEIMP Manual is attached.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Improvement Activities/Timelines/Resources for SY 2010-2013:

ACTIVITY	TIMELINE	RESOURCES
Implement sanction/enforcement actions for schools that continue to show noncompliance to correct. <ul style="list-style-type: none">a. BIE-Operated Schools—Education Line Officers, Associate Deputy Directors, BIE Directorb. Tribally Controlled Schools—Tribal Education Departments, Education Line Officers, Associate Deputy Directors, BIE Director	SY 2010-2011	BIE/DPA BIE School Operations Education Line Officers Associate Deputy Directors BIE Director Solicitors
Training for schools and education line offices on sustaining correct practices of specific regulatory requirements.	SY 2010-2011	BIE/DPA Schools Education Line Offices
Refine data base program to track noncompliance findings.	SY 2010-2011	BIE/DPA
Desk Audit file reviews of IEPs will be conducted using the NASIS special education module to ensure schools are correctly implementing the specific regulatory requirements based on updated data..	SY 2010-2011	BIE/DPA

PART B INDICATOR 15 WORKSHEET

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
1. Percent of youth with IEPs graduating from high school with a regular diploma.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
2. Percent of youth with IEPs dropping out of high school.				
14. Percent of youth who had IEPs, are no longer in secondary school and who have been competitively employed, enrolled in some type of postsecondary school or training program, or both, within one year of leaving high school.	Dispute Resolution: Complaints, Hearings			
3. Participation and performance of children with disabilities on statewide assessments.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
7. Percent of preschool children with IEPs who demonstrated improved outcomes.				
4A. Percent of districts identified as having a significant discrepancy in the rates of suspensions and expulsions of children with disabilities for greater than 10 days in a school year.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
4B. Percent of districts that have: (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days in a school	Dispute Resolution: Complaints, Hearings	NA		

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
year for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and supports, and procedural safeguards.				
5. Percent of children with IEPs aged 6 through 21 -educational placements.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
6. Percent of preschool children aged 3 through 5 – early childhood placement.	Dispute Resolution: Complaints, Hearings			
8. Percent of parents with a child receiving special education services who report that schools facilitated parent involvement as a means of improving services and results for children with disabilities.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
9. Percent of districts with disproportionate representation of racial and ethnic groups in special education that is the result of inappropriate identification.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
10. Percent of districts with disproportionate representation of racial and ethnic groups in	Dispute Resolution: Complaints, Hearings			

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
specific disability categories that is the result of inappropriate identification.				
11. Percent of children who were evaluated within 60 days of receiving parental consent for initial evaluation or, if the State establishes a timeframe within which the evaluation must be conducted, within that timeframe.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	67	67	61
	Dispute Resolution: Complaints, Hearings			
12. Percent of children referred by Part C prior to age 3, who are found eligible for Part B, and who have an IEP developed and implemented by their third birthdays.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
13. Percent of youth aged 16 and above with IEP that includes appropriate measurable postsecondary goals that are annually updated and based upon an age appropriate transition assessment, transition services, including courses of study, that will reasonably enable the student to meet those postsecondary goals, and annual IEP goals related to the student's transition service needs.	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other	34	34	25
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or	129	129	47

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Indicator/Indicator Clusters	General Supervision System Components	# of LEAs Issued Findings in FFY 2008(7/1/08 to 6/30/09)	(a) # of Findings of noncompliance identified in FFY 2008 (7/1/08 to 6/30/09)	(b) # of Findings of noncompliance from (a) for which correction was verified no later than one year from identification
	Other			
	Dispute Resolution: Complaints, Hearings	1	1	1
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Other areas of noncompliance:	Monitoring Activities: Self-Assessment/ Local APR, Data Review, Desk Audit, On-Site Visits, or Other			
	Dispute Resolution: Complaints, Hearings			
Sum the numbers down Column a and Column b			231	143
Percent of noncompliance corrected within one year of identification = (column (b) sum divided by column (a) sum) times 100.			(b) / (a) X 100 =	58.01%

Note: The 180 individual items of noncompliance reported were from 67 schools (67 findings of noncompliance. 146 individual items of noncompliance were verified corrected within one year of notification from 61 schools (61 findings of noncompliance corrected). 8 findings of noncompliance. 34 individual items of noncompliance were verified corrected beyond one-year of notification from 6 schools (6 findings of noncompliance). All findings of non-compliance (180 individual items/10 findings), have been verified as corrected (timely and subsequent).

Part B State Annual Performance Report (APR) for 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 16: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint, or because the parent (or individual or organization) and the public agency agree to extend the time to engage in mediation or other alternative means of dispute resolution, if available in the State.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent = $[(1.1(b)+1.1(c) \text{ divided by } 1.1)] \text{ times } 100$

FFY	Measurable and Rigorous Target
FFY 2009	100%

Actual Target Data for (2009):

# Complaints	2
# Complaints Withdrawn	1
# Complaints Resolved with Reports Issued that were Resolved within 60-day timeline	0
Percent of Complaints with Reports Issued that were Resolved within 60-day Timeline	0%

BIE did not meet the target.

During school year 2009-2010, the BIE received 2 signed written complaints. One complaint was withdrawn by the parent. The other complaint resulted in the investigation being completed within the 60-day timeline, however, the final report was issued past the time line. There was an error in reporting this data in the state report for November 1, 2010. The information reported was that the complaint was resolved within extended timelines, however, the actual investigation with a draft report was completed within the timeline but the final written report was issued four days past the 60-day timeline. BIE/DPA has recently assigned an Education Specialist to oversee all Dispute Resolution requests.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

Please note: The comments and activities listed on this Indicator apply to Indicators #17, #18, and #19 also.

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
1: (Preventative): Do follow-up on SY 2009-2010 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity	BIE/DPA Staff
2. Training on resolution process.	Ongoing activity through WebEx training	BIE/DPA Staff
3. Revise and disseminate policies and guidance.	The following are posted on the BIE Website under Special Education link: 1. Procedures for investigation and Resolution of Complaints/Forms 2. Parent/School Procedures and Mediator's Manual/Forms 3. Due Process Hearing Procedures/Forms 4. Special Education Procedural Safeguard Brochure	BIE/DPA Staff

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011:)

The target is to maintain 100 percent compliance with resolving signed, written complaints within 60 days.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

Part B State Annual Performance Report (APR) for 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 17: Percent of adjudicated due process hearing requests that were adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party or in the case of an expedited hearing, within the required timelines.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent = $[(3.2(a)+3.2(b)) \text{ divided by } 3.2] \text{ times } 100$

FFY	Measurable and Rigorous Target
FFY 2009	100%

Actual Target Data for (2009):

Zero due process complaints were filed during the FFY of 2009-2010.

BIE met the target.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
1: (Preventative): Conduct follow-up on SY 2009-2010 findings to ascertain whether schools have implemented changes as needed.	Ongoing Activity	BIE/DPA Staff
2. Training on resolution process.	Ongoing activity	BIE/DPA Staff

APR Template – Part B (4)

_Bureau of Indian Education (BIE)
State

ACTIVITY	TIMELINE	RESOURCE
3. Develop and disseminate policies and guidance.	<p>The following are posted on the BIE Website under Special Education link:</p> <ol style="list-style-type: none">1. Procedures for investigation and Resolution of Complaints/Forms2. Parent/School Procedures and Mediator's Manual/Forms3. Due Process Hearing Procedures/Forms4. Special Education Procedural Safeguard Brochure	

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines / Resources for (2010-2011 :)

Please note: The comments and activities listed on this indicator apply to indicator #16, #18, and #19 also.

APR Template – Part B (4)

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Part B State Annual Performance Report (APR) for 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 18: Percent of hearing request that went to resolution sessions that were resolved through resolution session settlement agreements.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent = (a) divided by 3.1] times 100.

FFY	Measurable and Rigorous Target
FFY 2010	100%

Actual Target Data for (2009):

Since the number of resolution sessions conducted for FFY 2009 remained under 10, the BIE is not required to report on this indicator.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /Resources for (2010-2011 :) Repeated from Indicator#16

APR Template – Part B (4)

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State

Part B State Annual Performance Report (APR) for 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B/General Supervision

Indicator 19: Percent of mediations held that resulted in mediation agreements.

(20 U.S.C. 1416 (a)(3)(B))

Measurement: Percent = $[(2.1(a)(i)+2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100\%$

FFY	Measurable and Rigorous Target
FFY 2010	100%

Actual Target Data for (2009):

BIE received one request for mediation. The mediation is still pending.

Percent = $[(2.1(a)(i)+2.1(b)(i)) \text{ divided by } 2.1] \text{ times } 100\%$

BIE met the target.

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for (2010-2011):

The State is not required to provide targets or improvements activities until ten or more mediation sessions are held.

BIE's numbers are too small in this area for analysis other than noting the very small number of complaints. It is hypothesized that the small community structure served by BIE schools leads to a less formal approach to possible problems.

Revisions, with Justification, to Proposed Targets / Improvement Activities / Timelines /Resources for (2010-2011)

Request for Mediation forms have been updated and are posted on the BIE website.

APR Template – Part B (4)

_Bureau of Indian Education (BIE)

State

Part B State Annual Performance Report (APR) for 2009

Overview of the Annual Performance Report Development:

Monitoring Priority: Effective General Supervision Part B / General Supervision

Indicator 20: State reported data (618 and State Performance Plan and Annual Performance Report) are timely and accurate.

(20 U.S.C. 1416(a)(3)(B))

Measurement:

State reported data, including 618 data, State Performance Plan, and Annual Performance Reports, are:

- Submitted on or before due dates (February 1 for child count, including race and ethnicity; placement; November 1 for exiting, discipline, personnel and dispute resolution; and February 1 for Annual Performance Reports and assessment); and
- Accurate, including covering the correct year and following the correct measurement.

States are required to use the "Indicator 20 Scoring Rubric" for reporting data for this indicator (see Attachment B).

FFY	Measurable and Rigorous Target
FFY 2010	100%

Actual Target Data for FFY 2009:

100% Indicator score

Discussion of Improvement Activities Completed and Explanation of Progress or Slippage that occurred for FFY 2009:

- Data collections: The BIE has developed an electronic Compliance monitoring tool that has allowed improved identification, tracking and ultimately better verification of the status of individual child related non-compliances as well as the systemic non-compliances. The tool allows the individuals at DPA to have information from the data base extracted in varied combinations so as to cross reference and verify both the existence of non compliance but also the correction at the child level as well as at the school-wide (systemic) level.
- The data from the data base supports analysis of findings to assist in the identification of root causes. This serves as the basis of technical assistance decisions.
- Training regarding how a school should enter data into the NASIS system has continued. The NASIS support team has been trained on special education issues, to gain awareness of what is required.
- The special education forms and IEP documents are now on-line within NASIS. All but 3 schools have their IEPs and other documents on line which enables the DPA staff to conduct desk audits. They will also be able to verify that corrections around IEPs and other support actions (i.e., meeting attendees, meeting notices, etc.) are indeed corrected.

APR Template – Part B (4)

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Continued technical assistance provided by the Data Accountability Center will help the BIE/DPA identify, analyze, and improve processes and systems.

Revisions, with Justification, Improvement Activities / Timelines / Resources for FFY 2009

The activities listed in the previous section are a combination of past activities, on-going activities and future. The BIE is currently working with DAC to redesign their monitoring system and accurately track non compliances. These actions will support the ability to determine root causes for systemic issues and to take the next step which is addressing these root causes.

- DAC has met with BIE and is currently completing the Special Education Integrated Monitoring manual.
- The BIE continues to refine data collection related to special education in NASIS. They also continue to work on the training on NASIS and special education
- The development of a 'users guide' to NASIS is in progress which will give precise guidance to data entry and will define the data for each entry.

Improvement Activities/Timelines/Resources for SY 2010-2011:

ACTIVITY	TIMELINE	RESOURCE
Utilizing the same sets of data for reporting to OSEP and to EdFacts. The BIE has been cleared to go "EdFacts-Only" on Tables 1, 2, 3, and 6. However, Tables 4 & 5 will require further development to ensure congruency is met with SY2010-11 reporting.	SY 2010-2011	DPA Data unit
The BIE will implement a newer, easier reporting system for behavior events based on the NCES' "Safety in Numbers" schema.	SY 2010-2011	DPA Data unit, special education unit NASIS staff
Continued training to schools on entering their data into NASIS accurately and timely	SY 2010-2011	DPA Data unit, special education unit, NASIS staff WebEx sessions
Increase collaboration between the Data Unit and the Special Education Unit to streamline Special Education data collection and reporting.	SY 2010-2011	DPA Data unit, special education unit DAC and the Mountain Plains Regional Resource Center

APR Template – Part B (4)

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SPP/APR Data - Indicator 20			
APR Indicator	Valid and Reliable	Correct Calculation	Total
1	1		1
2	1		1
3A	1	1	2
3B	1	1	2
3C	0	0	0
4A	1	1	2
4B	N/A	N/A	0
5	1	1	2
7	N/A	N/A	0
8	1	1	2
9	N/A	N/A	0
10	N/A	N/A	0
11	1	1	2
12	N/A	N/A	0
13	1	1	2
14	1	0	1
15	0	1	1
16	1	1	2
17	1	1	2
18	1	1	2
19	1	1	2
		Subtotal	26
APR Score Calculation	Timely Submission Points - If the FFY 2009 APR was submitted on-time, place the number 5 in the cell on the right.		5
	Grand Total - (Sum of subtotal and Timely Submission Points) =		31.00

APR Template – Part B (4)

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618 Data - Indicator 20					
Table	Timely	Complete Data	Passed Edit Check	Responded to Data Note Requests	Total
Table 1 - Child Count Due Date: 2/1/10	1	1	1	1	4
Table 2 - Personnel Due Date: 11/1/10	1	1	1	N/A	3
Table 3 - Ed. Environments Due Date: 2/1/10	1	1	0	1	3
Table 4 - Exiting Due Date: 11/1/10	1	1	1	N/A	3
Table 5 - Discipline Due Date: 11/1/10	1	1	1	N/A	3
Table 6 - State Assessment Due Date: 2/1/11	1	N/A	N/A	N/A	1
Table 7 - Dispute Resolution Due Date: 11/1/10	1	0	1	N/A	2
				Subtotal	19
618 Score Calculation			Grand Total (Subtotal X 2.143) =		40.72

Indicator #20 Calculation	
A. APR Grand Total	31.00
B. 618 Grand Total	40.72
C. APR Grand Total (A) + 618 Grand Total (B) =	71.72
Total N/A in APR	10
Total N/A in 618	0
Base	80.00
D. Subtotal (C divided by Base*) =	0.896
E. Indicator Score (Subtotal D x 100) =	89.65

APR Template – Part B (4)

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* Note any cell marked as N/A
will decrease the denominator
by 1 for APR and 2.143 for
618